



**UNIVERSITY OF KWAZULU-NATAL**

**The Ethical Dilemma of the Imposition of Economic Sanctions as a Deterrent Tool against a Sovereign State: A Critical Analysis with reference to Cuba, Iraq and Zimbabwe**

**By**

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## DECLARATION

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## **DEDICATION**

To my beloved family, encouraging friends and supportive workmates.

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## ABSTRACT

The issue of economic sanctions has become a popular foreign policy tool that is usually resorted to in dealing with states whose policies are deemed to be repugnant to acceptable foreign international norms. The dominant rationale behind the imposition of economic sanctions against the target state is based on the presumption that such punitive measures will inevitably bring about behaviour modification in the target state. Related to this belief is that the citizens of the target state will embark on a popular revolt against their government as a result of the national hardships caused by the imposed economic sanctions. Regardless of the fact that there is no empirical evidence on the efficacy of economic sanctions as a foreign policy tool for policy modification, economic sanctions have remained the most popular foreign policy tool when dealing with errant or rogue states.

The thesis is premised on the consensus of many scholars that economic sanctions do not lead to behaviour modification in the target state, instead, they actually create a situation whereby those who are supposed to be helped by economic sanctions end up suffering the most as a result of the negative consequences of those sanctions. The rationale behind the support of economic sanctions is predominantly derived from economics and does not take into account the negative humanitarian consequences of economic sanctions. The rationale behind economic sanctions does not accommodate any humanitarian impulse. It was partly for this reason that the study advanced the thesis that the reason behind the imposition of economic sanctions by the sender state(s) against the target state is related to the pursuit of national interests of the sender state(s).

From a historical perspective, the Western world has used economic sanctions as an expression of power. Economic sanctions were used as a way of subduing poor states into doing what the powerful countries wanted these poor countries to do. In this regard there was not any humanitarian consideration in the imposition of sanctions. Many scholars have argued that economic sanctions are designed to inflict economic harm on the target state indiscriminately. It is for this reason that critics of economic sanctions have argued that they are an inhumane system. While the UN Charter does not specifically mention the term 'economic sanctions', the concept is implied in terms such as 'other measures necessary for the maintenance of peace and security in the world' such as 'trade embargoes', which can be taken multilaterally under the authorisation of the UNSC, and unilaterally. The spirit of the UN Charter premised the imposition of sanctions on the

understanding that apart from warfare, they are a harmless foreign policy tool for the promotion of peace and security in the world. Through case studies of countries such as Cuba, Iraq and Zimbabwe, where economic sanctions have been imposed, the study questioned the efficacy of economic sanctions as a foreign policy tool for the promotion of peace and security in the world. It was thus deduced from these case studies that economic sanctions have contributed to indiscriminate suffering of the majority of the innocent citizens in these target states instead of bringing about behaviour modification of the perceived errant State.

It was argued that economic sanctions cannot be justified from the Western and African ethical traditions. The basis of my ethical critique was on the assumption that they are a foreign policy tool that is designed to inflict indiscriminate suffering on the majority of the innocent citizens of the target state. From the utilitarian ethical perspective, economic sanctions violate the utilitarian ethical principle of acting in a way that promotes the greatest good for the greatest number of people. The inherent element of indiscrimination in economic sanctions arises from the fact that they are a foreign policy tool that is designed to use persons as means and not as ends in themselves as required by the Kantian deontological ethics. From a Judeo-Christian perspective, it is also argued that economic sanctions are a manifestation of structural evil in the generality of human existence by virtue of their inherent capability to inflict indiscriminate harm on the innocent. Another ethical critique that was proffered in this study was based on the African ethical tradition which puts emphasis on our human relationality and common belongingness. In the light of this ethical tradition, it was thus deduced that economic sanctions, by inflicting indiscriminate harm, fail to affirm our shared humanity.

## LIST OF ABBREVIATIONS

BBC	British Broadcasting Corporation
BMATT	British Military Advisory and Training Team
CMEA	Council of Mutual Economic Assistance
COMESA	Common Market for Eastern and Southern Africa
COMINFORM	Communist Information Bureau
DPRK	Democratic People's Republic of Korea
DRC	Democratic Republic of Congo
ESAP	Economic Structural Adjustment Programme
EU	European Union
FRY	Federal Republic of Yugoslavia
FTOs	Foreign Terrorist Organizations
GSP	Generalized System of Preferences
IAEA	International Atomic Energy Agency
IEEPA	International Emergency Economic Powers Act
IMF	International Monetary Fund
ISIS	Islamic State of Iraq and the Levant
MDC	Movement of Democratic Change
NATO	North Atlantic Treaty Organization
NCA	National Constitutional Assembly
OAS	Organization of American States
PCC	Partido Comunista Cubano
P5	Permanent Five
R2P	Responsibility to Protect

RUF	Revolutionary United Front
SACEUR	Supreme Allied Commander Europe
SADC	Southern African Development Community
SCR	Security Council Resolution
SDTs	Specially Designated Terrorists
UDI	Unilateral Declaration of Independence
UN	United Nations
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UNITA	National Union for the Total Independence of Angola
UNSC	United Nations Security Council
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
US	United States
USA	United States of America
USIA	US Information Agency
USSR	Union of Soviet Socialist Republics
VOA	Voice of America
WB	World Bank
WIIS	Watson Institute for International Studies
WMD	Weapons of Mass Destruction
ZANU PF	Zimbabwe African National Union Patriotic Front
ZDERA	Zimbabwe Democracy and Economic Recovery Act
ZRP	Zimbabwe Republic Police

## TABLE OF CONTENTS

<b>DECLARATION</b> .....	<b>i</b>
<b>DEDICATION</b> .....	<b>ii</b>
<b>ACKNOWLEDGEMENT</b> .....	<b>iii</b>
<b>ABSTRACT</b> .....	<b>iv</b>
<b>LIST OF ABBREVIATIONS</b> .....	<b>vi</b>
<b>CHAPTER ONE: INTRODUCTION</b> .....	<b>1</b>
<b>1.1 Background to the Research Problem</b> .....	<b>1</b>
<i>1.1.1 Key Research Question</i> .....	<i>3</i>
<i>1.1.2 Research Sub-Questions</i> .....	<i>3</i>
<b>1.2 Research Objectives</b> .....	<b>3</b>
<b>1.3 Literature Review</b> .....	<b>4</b>
<i>1.3.1 The Instrumental Theory of Economic Sanctions</i> .....	<i>4</i>
<i>1.3.2 The Political View of Economic Sanctions</i> .....	<i>6</i>
<i>1.3.3 The Smart Sanctions Approach</i> .....	<i>8</i>
<i>1.3.4 Gaps in Literature</i> .....	<i>10</i>
<b>1.4 Theoretical Framework upon which the Study is Based</b> .....	<b>10</b>
<i>1.4.1 Deontology</i> .....	<i>12</i>
<i>1.4.2 The Human Rights Approach</i> .....	<i>12</i>
<i>1.4.3 African Ethics Tradition</i> .....	<i>13</i>
<i>1.4.4 Sceptical Realism</i> .....	<i>14</i>
<b>1.5 Research Methodology</b> .....	<b>15</b>
<b>1.6 Limitations</b> .....	<b>16</b>
<b>1.7 Layout of the Study</b> .....	<b>16</b>
<b>CHAPTER 2: AN ANALYSIS OF THE RATIONALE BEHIND ECONOMIC SANCTIONS</b> .....	<b>20</b>
<b>2.1 Introduction</b> .....	<b>20</b>
<b>2.2 The Economic Rationale Behind the Imposition of Sanctions</b> .....	<b>21</b>
<b>2.3 Sanctions as a Foreign Policy Tool for the Enforcement of International Law</b> .....	<b>28</b>
<i>2.3.1 The Challenges of Enforcing International Law</i> .....	<i>29</i>
<i>2.3.2 Natural Law</i> .....	<i>30</i>

2.3.3 Sources of International Law.....	31
2.3.4 Principles of International Law.....	32
2.3.5 Functions and Human Rights .....	32
<b>2.4 Economic Sanctions and the Pursuit of National Interests.....</b>	<b>33</b>
2.4.1 The Example of Cuba.....	35
2.4.2 The Example of Iraq .....	35
2.4.3 The Example of Zimbabwe.....	36
<b>2.5 The Utility Economic Sanctions as an Instrument of Foreign Policy .....</b>	<b>37</b>
2.5.1 Demonstration of Resolve to impose Economic Sanctions.....	38
2.5.2 Sanctions as a Tool for Deterrence .....	38
2.5.3 Sanctions as Surrogate for Other Measures.....	39
<b>2.6 Conclusion .....</b>	<b>41</b>
<b>CHAPTER 3: A HISTORICAL OVERVIEW OF ECONOMIC SANCTIONS IN THE UNITED NATIONS.....</b>	<b>43</b>
<b>3.1 Introduction .....</b>	<b>43</b>
<b>3.2 The evolution of the United Nations economic sanctions in the modern political arena .....</b>	<b>44</b>
<b>3.3 Economic Sanctions and their Instrumental Value in the UN .....</b>	<b>48</b>
3.3.1 Inflicting Maximum Harm .....	48
3.3.2 UN Collective Security System .....	49
3.3.4 Effectiveness of Economic Sanctions.....	51
3.3.5 Point Utilitarian Calculation of Profit.....	52
3.3.6 Game Theory Rationale.....	54
3.3.7 Human Rights as the Utility of Economic Sanctions.....	56
<b>3.4 Economic Sanctions as Tool for Enforcement of Foreign Policy .....</b>	<b>58</b>
<b>3.5 Legal Considerations Surrounding the Imposition of UN Sanctions.....</b>	<b>59</b>
3.5.1 UN Sanctions as Conflict Resolution Mechanism .....	60
3.5.2 UN Sanctions in the Context of Non-Proliferation.....	62
3.5.3 UN and USA Sanctions Regimes in the Context of Counter Terrorism .....	64
3.5.4 UN Sanctions Regime as an Incentive for Democratization .....	67
3.5.5 UN Sanctions Regime in Protection of Civilians.....	69

3.5.6 <i>The Problem of Consistency in the Imposition of Economic Sanctions</i> .....	70
<b>3.6 Conclusion</b> .....	<b>71</b>
<b>CHAPTER FOUR: THE UNITED NATION’S APPLICATION OF ECONOMIC SANCTIONS DURING THE COLD-WAR ERA</b> .....	<b>74</b>
<b>4.1 Introduction</b> .....	<b>74</b>
<b>4.2 The Cold War Era and the UN’s Role of Maintaining Uneasy Peace</b> .....	<b>75</b>
4.2.1 <i>The UN’s Reluctance Over the Use of Sanctions</i> .....	77
<b>4.3 An Analogue of the Cold War Ideologies</b> .....	<b>80</b>
<b>4.4 The Efficacy of UN Economic Sanctions in the Cold War Era</b> .....	<b>84</b>
4.4.1 <i>The Effectiveness of Sanctions against Southern Rhodesia and South Africa</i> .....	86
4.4.2 <i>Unintended Consequences Following the Imposition of Sanctions</i> .....	88
4.4.3 <i>Trends in the use of Sanctions in the Transitional period from the Cold War Era to the Post-Cold War period</i> .....	89
<b>4.5 Conclusion</b> .....	<b>97</b>
<b>CHAPTER FIVE: A CRITICAL ANALYSIS OF ECONOMIC SANCTIONS AFTER THE COLD WAR ERA</b> .....	<b>99</b>
<b>5.1 Introduction</b> .....	<b>99</b>
<b>5.2 A Paradigm Shift from Comprehensive Sanctions to Smart Sanctions</b> .....	<b>100</b>
5.2.1 <i>Development and Use of Smart Sanctions</i> .....	102
<b>5.3 Post-Cold War Era and the Imposition of Smart Sanctions</b> .....	<b>109</b>
5.3.1 <i>Shortfalls Associated with Smart Sanctions</i> .....	110
<b>5.4 Reasons for the Usage of Economic Sanctions</b> .....	<b>112</b>
5.4.1 <i>Economic Sanctions as a Foreign Policy Tool for Enforcing Behaviour Modification against the Target State</i> .....	112
5.4.2 <i>Deterrence and Economic Sanctions</i> .....	113
5.4.3 <i>Economic Sanctions as a Strategy for Coercion in International Relations</i> .....	114
5.4.4 <i>The Symbolic Facet of Economic Sanctions in the International Relations Arena</i> ....	116
5.4.5 <i>Economic Sanctions as a Mechanism of Enforcing International Humanitarian Law</i> .....	116
5.4.6 <i>Economic Sanctions as a Foreign Policy Tool for Conflict Prevention</i> .....	118
5.4.7 <i>Economic Sanctions as a Measure for Combating Terrorism</i> .....	121
<b>5.5 Conclusion</b> .....	<b>123</b>

**CHAPTER SIX: ECONOMIC SANCTIONS AGAINST CUBA, IRAQ AND ZIMBABWE**

**126**

<b>6.1 Introduction .....</b>	<b>126</b>
<b>6.2 The History of US Sanctions against Cuba.....</b>	<b>127</b>
6.2.1 <i>The Rationale Behind the Imposition of Sanctions on Cuba .....</i>	<i>130</i>
6.2.2 <i>Sanctions Adopted on Cuba.....</i>	<i>131</i>
6.2.3 <i>Effects of US Sanctions on Cuba .....</i>	<i>132</i>
6.2.4 <i>The Cuban Response to the US Sanctions Regime .....</i>	<i>134</i>
<b>6.3 Sanctions on Iraq.....</b>	<b>136</b>
6.3.1 <i>The Reasons Behind the Imposition of Sanctions against Iraq .....</i>	<i>137</i>
6.3.2 <i>Sanctions Imposed on Iraq by the United Nations .....</i>	<i>138</i>
6.3.3 <i>The Effects of the Economic Sanctions on Iraq .....</i>	<i>140</i>
<b>6.4 Sanctions against Zimbabwe .....</b>	<b>144</b>
6.4.1 <i>Genesis of Zimbabwe crisis .....</i>	<i>145</i>
6.4.2 <i>The Zimbabwean Crisis and the Sanctions.....</i>	<i>146</i>
6.4.3 <i>Sanctions Imposed by Western allies on Zimbabwe .....</i>	<i>147</i>
6.4.4 <i>Effects and Effectiveness of Targeted Sanctions against Zimbabwe .....</i>	<i>149</i>
<b>6.5 Conclusion .....</b>	<b>151</b>
<b>CHAPTER SEVEN: AN ETHICAL CRITIQUE OF ECONOMIC SANCTIONS.....</b>	<b>153</b>
<b>7.1 Introduction .....</b>	<b>153</b>
<b>7.2 An Ethical Critique of Economic Sanctions.....</b>	<b>154</b>
<b>7.3 Economic Sanctions and Human Evil.....</b>	<b>162</b>
<b>7.4 Conclusion .....</b>	<b>170</b>
<b>CHAPTER EIGHT: GENERAL CONCLUSION AND RECOMMENDATIONS .....</b>	<b>173</b>
<b>8.1 Introduction .....</b>	<b>173</b>
<b>SECTION A: CONCLUSION .....</b>	<b>174</b>
<b>8.2 The Rationale behind Economic Sanctions.....</b>	<b>174</b>
<b>8.3 An Historical Overview of Economic Sanctions and the United Nations.....</b>	<b>176</b>
<b>8.4 The United Nations’ Application of Economic Sanctions during the Cold War .....</b>	<b>177</b>
<b>8.5 The United Nations’ Application of Economic Sanctions during the Post-Cold War Era.....</b>	<b>178</b>

<b>8.6 A Case Study of Economic Sanctions with Reference to Cuba, Iraq and Zimbabwe</b>	<b>180</b>
<b>8.7 An Ethical Critique of Economic Sanctions</b>	<b>182</b>
<b>SECTION B: STUDY RECOMMENDATIONS</b>	<b>184</b>
<b>8.8 Recommendations</b>	<b>184</b>
8.8.1 <i>Subjecting Economic Sanctions to Continuous Evaluation by the UN and its Organs</i>	185
8.8.2 <i>Sanctions should be Reviewed by a Body of Experts from a Multidisciplinary Perspective</i>	185
8.8.3 <i>Constructive Engagement Over Comprehensive Economic Sanctions</i>	186
<b>8.9 Suggestions for Future Research</b>	<b>187</b>
<b>BIBLIOGRAPHY</b>	<b>188</b>

## CHAPTER ONE: INTRODUCTION

### 1.1 Background to the Research Problem

The practice of imposing sanctions against States that are considered to be errant to international norms remains ethically problematic in the sense that in most cases whenever sanctions are imposed against a particular state, it is the majority of the innocent citizens such as children and the economically vulnerable of the population of the target state who usually become casualties of those economic sanctions. The unintended consequences of economic sanctions have in most cases resulted in the rapid degeneration of the healthcare system and a general deterioration in the standards of living among the population of the target country. Many scholars, as it will be shown later on, have argued that there is no empirical evidence that demonstrates that sanctions have ever brought about the desired results in the target state. It has always been the case that the evils that are created by economic sanctions against the target state have always outweighed the good effects of those economic sanctions. For this reason, there is also overwhelming scholarly consensus that sanctions have never been a good solution to resolving international conflicts and effecting positive foreign policy change in the internal socio-economic and political affairs of the target country (Drezner 2011; McGee 2003).

Since the end of the Cold War, sanctions have become the common response of the United Nations (UN) against countries that are deemed rogue, pariah, or against international norms. In the approximately forty-seven years of its existence, from 1945 to 1992, the United Nations Security Council (UNSC) approved economic sanctions only against colonial Rhodesia (1966) and apartheid South Africa (1977). Despite the continuation of trade with these racist States, many lives of the innocent were lost in the struggle for freedom as the majority of the oppressed people in these two target countries suffered inhumane treatment from the minority illegitimate regimes of both countries. As a result, some scholars have maintained that the imposition of sanctions against these colonial States was therefore ineffectual because many companies from America and Europe continued to trade with these two target States. After that period, according to the Jersey Financial Services Commission (2015), several countries were sanctioned by the UNSC including Libya (1993; 2003), Haiti (1994; 2000), Somalia, Liberia and Rwanda (1996; 1997), Yugoslavia and Rwanda (1997), Iraq (2000; 2003; 2004), Somalia (2002), the Democratic Republic of Congo (2003), Liberia (2004), Sudan (2005), Lebanon and Syria (2006), and Rwanda (2008). In total,

over 29 countries have been under sanctions of some sort from the UN, the EU, the USA, and other countries or international organisations. There are 628 individuals and 369 entities and other groups under sanctions on the Consolidated UNSC Sanctions List (2016), which shows their prevalence, thereby justifying a deeper inquiry. In all these examples there is nothing that has been significantly achieved by the UNSC in terms of influencing domestic and foreign policies of these target States. Besides the UNSC imposed sanctions, the United States of America (USA) and its allies have imposed sanctions on 35 countries between 1993 and 1996 (Gordon 1999). Since such sanctions were not approved by the UNSC as the multilateral body, one can only say they were illegal, because the UN Charter, Chapter VII states that it is the UNSC which has the authority to apply sanctions when it has been collectively determined by the UNSC that the target country poses a threat to world peace and security. Thus sanctions that are imposed by particular countries on a target country without the mandate of the UNSC or the UN can be critiqued on the grounds that such sanctions are aimed only at promoting the national interests of those countries that impose such sanctions on a target state.

Apart from the above examples, in the light of the main examples that were selected in this study, the imposition of sanctions against Cuba, Iraq and Zimbabwe actually resulted in a catastrophic humanitarian situation whereby the majority of the ordinary citizens lost their lives owing to hunger, disease and political instability. In the case of Cuba and Zimbabwe, some countries such as the USA and Britain have imposed sanctions without the mandate of the UNSC and the UN. The UN General Assembly in 2015 voted for the 25th straight year against US embargoes on Cuba as undermining the UN Charter (General Assembly 26 October 2016). It was a near unanimous vote with 191 countries opposed to the sanctions, a move that was followed by the release of a document which condemned the use of sanctions in general. Two countries, the USA and Israel, abstained from voting for the eradication of sanctions. Since economic sanctions have contributed to many humanitarian crises in the world, their imposition against target States remains unethical because it is unintelligible that a member state may inflict a great deal of suffering on the majority of a population that is in most cases innocent. Related to this ethical problem is the fact that the imposition of sanctions against a target country does not necessarily lead to the promotion of peace and security in the world as stated in the UN Charter, Chapter VII. On the contrary, the harm that is inflicted on the target country as a result of sanctions greatly outweighs the good that is anticipated from the imposition of sanctions. The central problem that is investigated in this study

is, if economic sanctions bring about untold human suffering, thus implying a foreign policy tool that is unethical, to what extent can economic sanctions be considered to be an ethical instrument for promoting peace and security in the world?

### ***1.1.1 Key Research Question***

In light of the fact that economic sanctions do cause catastrophic humanitarian crisis in the target state, can they be ethically justified from a humanitarian perspective as a tool for the promotion of peace and security in the world?

### ***1.1.2 Research Sub-Questions***

- a) Why is the rationale behind the imposition of economic sanctions controversial?
- b) What are the factors that led to the historical development of economic sanctions?
- c) How were economic sanctions deployed by the United Nations during the Cold War era?
- d) What was the reason for the imposition of economic sanctions after the Cold War?
- e) What role was played by national interests by imposing economic sanctions on target States such as Cuba, Iraq and Zimbabwe as case studies?
- f) Can economic sanctions be ethically justifiable as an instrument of foreign policy for the promotion of peace and security in the world?
- g) What are the store comforters that lead to the development of economic sanctions by the United Nations?
- h) What are the ethical challenges posed by economic sanctions on target States?
- i) What are the effects of economic sanctions on target states?

## **1.2 Research Objectives**

- a) To analyse the rationale behind economic sanctions.
- b) To investigate the factors that led to the historical development of economic sanctions.
- c) To discuss how economic sanctions were deployed by the United Nations during the Cold War era.
- d) To discuss the reason for imposing economic sanctions after the Cold War era.
- e) To critically discuss the role of national interests on the imposition of economic sanctions on target States such as Cuba, Iraq and Zimbabwe as case studies.

- f) To discuss whether economic sanctions are ethically justifiable as an instrument of foreign policy for behaviour modification of the target States.
- g) To describe the store comforters that lead to the development of economic sanctions by the United Nations?
- h) To understand the ethical challenges posed by economic sanctions on target States.
- i) To discover the effects of economic sanctions on target States.

### **1.3 Literature Review**

The three dominant schools of thought on economic sanctions are: comprehensive economic sanctions, political impact, and smart sanctions (Kaempfer & Lowenberg 1988; Radrick & Duchatelet 2008; Cortright, Lopez & Gerber-Stellingwerf 2010; Drezner 2011). However, it needs to be stated from the outset that these schools of thought do supervene on each other in such a way that when one discusses one of them, sometimes one finds oneself being led to discuss the other school of thought in the same breath. From an economics school of thought, it is maintained that sanctions are imposed with the intention of undermining the economic capability of the target state. The popular view of economic sanctions from a traditional economic perspective “is premised on an ‘instrumental’ theory” whereby it is argued that “the real intent of sanctions is to bring about policy change in the target nation through imposing the severest possible economic harm” (Kaempfer & Lowenberg 1988:786).

#### ***1.3.1 The Instrumental Theory of Economic Sanctions***

The instrumental theory is based on the idea that something can be used in order to bring about a desired socio-economic and political order. According to this theory, when economic sanctions are imposed by the sender on a target state, they bring about the desired order without which that desired order would not have been attained. William Kaempfer and Anton Lowenberg argued that “sanctions might have an altogether different goal – namely, to serve the interests of pressure groups within the sanctioning country ... others obtain utility directly from taking a moral stance against some other nation’s objectionable behaviour”. The above authors further opined that the effects of sanctions can also affect the sender of those economic sanctions because “trade interruptions which have high costs to the target country are also likely to carry heavy costs for

the sanctioning country”, hence “it is not surprising that the sanctions actually adopted often appear ineffectual” (Kaempfer & Lowenberg 1988:786; see also Radrick & Duchatelet 2008:49).

Thus, from an economic analytical perspective, economic sanctions are analogous to a double sword that negatively affects the sender of those sanctions and the target state in terms of cost and benefits analysis. When they analysed the motive for the imposition of sanctions from the sender, Kaempfer and Lowenberg deduced that, “[t]he level of economic sanctions, as an international public policy tool, is determined by pressures brought to bear in the political system by interest groups of differing motives. These pressures are the outcome of private utility maximisation on the part of individual members of the interest groups concerned. While the groups are defined by commonality of interests, the political participation of any group member is tempered by a desire to free ride” (Kaempfer & Lowenberg 1988:787). The reality of a plurality of motivations among those who campaign for the imposition of sanctions against the target state is a fact that complicates the ethical justifiability of sanctions. The population of pressure groups may be numerically negligible while exerting a lot of pressure on the government in terms of international public policy statecraft. These pressure groups are usually the beneficiaries of the imposition of sanctions against the target state.

In the same school of thought, Charles Radrick and Martine Duchatelet (2008:49) observes that: “Economic sanctions imposed for a special interest, even with good intentions, can be questioned on the basis of their ethical legitimacy.” These authors went on to say that, “[w]hen we look at the consequences of sanctions, in most cases the outcome has been to lower economic, educational and healthcare systems of the sanctioned countries”. In other words, when economic sanctions are imposed with the intention of appeasing the interests of a special interest group, they cannot be considered to be ethically legitimate. The other argument against economic sanctions which is proffered by these authors is that they erode the living standards of the target country. The US sanctions against Cuba were based on the desire of the USA as the sender of those sanctions to undermine the socialist economic policies of Fidel Castro. It has been documented by the UNICEF that “economic sanctions against Iraq resulted in a doubling of the death rate for children less than five years of age” as well as “the deaths of 500 000 children under the age of five between 1991 and 1998” (Radrick & Duchatelet 2008:50). In this regard, economic sanctions carry with them a huge propensity for indiscriminate destruction of life and livelihoods whenever they are imposed

on the target state. Another contentious issue that arises from the imposition of economic sanctions against the target state is that these sanctions are in most cases imposed on weak or economically poor States whereby in the final analysis these weak or poor States end up worse off than they were before the imposition of sanctions. The practice whereby economically powerful countries are always swift to impose economic sanctions on weak States also raises the issue of ethical legitimacy of sanctions. While it is maintained from a capitalistic perspective that States should not interfere with the running of the free market, economic sanctions are an expression of the state's interference in the market (Hahn 2001:222). However, the purpose of economic sanctions against a target state remains problematic to the extent that the economic reasons that are given by the senders of sanctions remain ethically indefensible.

### ***1.3.2 The Political View of Economic Sanctions***

The second school of thought arises from the politics of international relations. Within the UN and the UNSC, sanctions are usually supported on the basis of respective national interests among the UN and UNSC member States. In this regard, sanctions are used for reasons that are contrary to what is usually stated by the UNSC resolutions. When the UN imposed sanctions against Iraq, the rationale was that Iraq should disarm and allow the UN Monitoring, Verification and Inspection Commission to dismantle Iraq's weapons of mass destruction. However, this UN Resolution (687) on sanctions against Iraq was later abused by the USA when the then US President George H. W. Bush said that "[m]y view is we don't want to lift these sanctions as long as Saddam Hussein is in power". President Bill Clinton maintained the same policy when he said, "[s]anctions will be there until the end of time, or as long as he [Saddam Hussein] lasts" (Cortright, Lopez & Gerber-Stellingwerf 2010:2008). In the light of the above statements from the USA Presidents on Iraq sanctions, it can be deduced that these sanctions were seen in terms of advancing US interests within Iraq. The national interest of the USA on the imposition of economic sanctions was to overthrow Saddam Hussein who had attempted to annex Kuwait, thus posing a threat to the USA's hegemony over the control of oil production in the Gulf region.

The USA and its NATO allies used UN sanctions to degrade Iraq's military capability as a result of the arms embargo. Here the political motive behind their support of sanctions on Iraq unfolded later, when the USA and the United Kingdom went on to wage a war against Iraq with the intention

of overthrowing Saddam Hussein and his Baath party from political power. Daniel Drezner observes that:

As the main backer of the United Nations sanctions initiative, and the country most adamant in trying to force out its leader, responsibility fell on the United States. The United States and United Kingdom stoutly resisted pressures to alter the sanctions regime from the other permanent members of the UNSC during the 1990s. Madeleine Albright, the US ambassador to the United Nations at the time, provided the defining sound bite for this culpability in May 1996. In a 60 Minutes interview, she said that even if the sanctions had killed half a million Iraqi children, ‘the price is worth it’ (Drezner 2011:98).

As an instrument of foreign policy, the sanctions on Iraq have been a political and humanitarian disaster. The very idea that Albright could justify the death of half a million of Iraqi children as ‘a worth[y] prize to pay’ implies that the sender of sanctions does not have the promotion of the wellbeing of the citizens of the target country at least, but the national interests of the sender. From a political perspective, sanctions are usually an externally engineered disaster for the target country and the surrounding neighbouring countries. Drezner maintained: “Sanctions do not just weaken the rule of law in the target country – they weaken the rule of law in the bordering countries and monitoring organisations as well. The corruption has a path-dependent quality, persisting long after sanctions have been lifted. The humanitarian and political costs that emanated from the Iraq sanctions caused a great deal of consternation in political circles at the same time that concerns about ‘human security’ were emerging” (Drezner 2011:98). It is for this reason that the post-cold war political scholarship questioned the moral credibility of sanctions as a coercive tool for foreign policy. Another politically contentious issue about economic sanctions is that they are usually applied selectively. Those countries that are deemed to be allies by America and the West are usually protected against economic sanctions. For example, when the UN imposed sanctions against the then apartheid South African government “Germany and Great Britain in part merely made recommendations and imposed no binding sanctions” (Hefti & Staehelin-Witt 2002).

Meanwhile, Hefti and Staehelin-Witt (2002) observes:

In general, sanctions imposed against South Africa were very limited and indicate numerous loopholes and exception clauses. One reason for the limitation surely lay in the fact that the heads of government in Britain, the USA, and Germany did not regard sanctions as the correct means of prompting political change in South Africa. The argument that was usually put across by the USA, Britain and Germany, who were the major trading partners with the apartheid government, was that sanctions will hurt the majority of the African population that was suffering under the gruesome policies of the then apartheid government.

Hefti and Staehelin went on to say that the stance of USA, Britain and Germany found support from the public-choice theory from economists. As they put it, “[t]he economists’ public-choice theory argued for this reason that economic sanctions often have so minimal an impact because they are selected primarily to suit the economic interests of the sanctioning countries and only secondarily consider the costs on the country sanctioned” (<http://www.snf.ch/sitecollectiondocuments/nfp42p/nfp42p/staehelin-e.pdf>).

Those countries that were hesitant in imposing sanctions against apartheid South Africa mainly did so with the aim of protecting their national interests because it was economically lucrative to do business with South Africa. In the final analysis, this implies that sanctioning countries do not have any concern for the wellbeing of the ordinary people of the target country. For example, Switzerland never imposed sanctions against apartheid South Africa because it was benefiting from low prices of coal from those countries which had imposed trade embargoes against South Africa. Switzerland’s position was that it rejected sanctions as a way of achieving political goals (<http://www.snf.ch/sitecollectiondocuments/nfp42p/nfp42p/staehelin-e.pdf>). In the case of the then Rhodesia sanctions, there has been an overwhelming discontent among African leaders because despite the UN economic sanctions against Rhodesia, this racist regime continued to prosper economically. George Shepard observes: “The temper of the debate at the United Nations showed rising African frustration with the ineffectual measures supported by the UK. Suspicions of the real British intent were strong. Racial feelings were introduced. It was suspected that the British were secretly trying to protect their ‘kith and kin’ in Rhodesia and were not serious about international sanctions. ... Most serious of all, the feeling spread through African capitals that the UN had become a device for diverting African revolutionary challenges to the Western system of domination” (Shepard 1968:9). From a political perspective, sanctions are thus not an effective tool because of the dominance of national interests of the sender countries.

### ***1.3.3 The Smart Sanctions Approach***

The third school of thought which gained currency in our contemporary times advocates what are called ‘smart sanctions’ or ‘targeted sanctions’. This school of thought is a revisionist approach to comprehensive sanctions in the sense that it argues that the consequences of comprehensive sanctions, which are sometimes called externalities, were greatly defeating the purpose or outweighing the good that is promoted by sanctions when compared to the positive outcomes that

arise from comprehensive economic sanctions. It is thus argued by the proponents of smart sanctions that sanctions can be more effective or bring about the desired policy change from the target state when individuals, companies and organisations that are supportive of the target state are made the focal point for sanctions instead of the whole country. Smart sanctions are considered to be a disincentive tool against authoritarian leaders and their supporters. It is also argued that comprehensive sanctions do not have a strong effect on authoritarian targets as compared to smart sanctions. As Drezner put it:

Smart sanctions could raise the target regime's costs of noncompliance while avoiding the collateral damage that comes with comprehensive trade embargoes. The most prominent country-wide examples included financial sanctions, asset freezes, travel bans, restrictions on luxury foods, and arms embargoes. Furthermore, instead of sanctioning the entire country, smart sanctions advocates for targeting individuals, restrictions corporations, or holding companies associated with the target government's leadership" (Drezner 2011:100).

The belief behind smart sanctions is that they do not cause humanitarian disasters; hence smart sanctions are deemed to be more humane. An instructive example of this smart sanctions regime is the Zimbabwe Democracy and Economic Recovery Act (ZIDERA) which explicitly shows that the US Government will implement travel and economic sanctions against those individuals and their associates and families. Likewise Mbanje and Mahuku (2011:2) point out that the EU and American smart sanctions "were targeted on the Zimbabwe African National Union Patriotic Front (ZANU PF) leadership and all those business people, intellectuals, journalists and many others who sympathized with the ZANU-PF leadership" (.However, the argument that can be raised against the idea of smart sanctions is that they still operate under the rationale of comprehensive sanctions where the sender wants the target to change their behaviour or policy (Lacy & Niou 2004:28). The problem with this school of thought is that it deals with the same problems that are faced with regard to comprehensive sanctions. For example, when sanctions are aimed at leaders and companies of the target country, obviously such sanctions will affect the majority of the population of the target country. While smart sanctions are usually considered to be radically different from comprehensive sanctions, their negative impact on the target country remains similar to that of comprehensive sanctions. Sanctions do promote a negative image of the country as a whole and not only on the image of targeted individuals, organisations and companies. Such a scenario affects the inflow of direct foreign investment in the country as well as cause capital flight from the country. The argument that there is no difference between comprehensive sanctions

and smart sanctions was observed by Mbanje and Mahuku when they argued in the case of Zimbabwe: “The EU’s targeted sanctions have also greatly affected the standard of living of the general population. The deteriorating economic conditions have led to large emigration, especially of skilled members of most families to countries like South Africa, Botswana, Namibia and Britain. This in itself has further strained the economy of its skilled manpower” (Mbanje & Mahuku 2011:3). The effects of smart sanctions on Zimbabwe seem to have been economically catastrophic to Zimbabwe in a way that is similar to a situation of war and comprehensive sanctions.

#### ***1.3.4 Gaps in Literature***

This study argues that most of the literature on sanctions has given scant attention to the role of national interests in the imposition of sanctions by sender States on target countries and that the pursuit of national interests ultimately renders economic sanctions, whether comprehensive or smart, ethically indefensible as a tool for foreign policy. This observation reinforces the theory of sceptical realism which maintains that nations do not take moral considerations into account in their relations with other States, but the pursuit of their national interests. This provides the plausible rationale on the imposition of sanctions from sender States and not for humanitarian purposes on the target state. While all the above schools of thoughts have been critiqued by scholars on the grounds that economic sanctions remain unethical by virtue of inflicting catastrophic humanitarian crisis on the target country, what has been given attention to in this study is the role that is played by national interests in the motives of the sender countries when they impose sanctions on the target country. It is mainly on these grounds that while, from a theoretical perspective, sanctions are critiqued as unethical, the study will argue that the pursuit of national interests by sender countries precludes any ethical considerations in the imposition of sanctions on the target state.

#### **1.4 Theoretical Framework upon which the Study is Based**

There are five theoretical frameworks that are employed in this study. These are ethical theories of utilitarianism; deontology; the human rights approach; African ethics; and sceptical realism. From a utilitarian perspective the goodness of an action is judged on the basis of its consequences towards the realisation of the greatest good for the greatest number of people. John Stuart Mill, the proponent of utilitarianism who defined the theory, had this to say about utilitarianism:

The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure. To give a clear view of the moral standard set up by the theory, much more requires to be said; in particular, what things it includes in the ideas of pain and pleasure; and to what extent this is left an open question. But these supplementary explanations do not affect the theory of life on which this theory of morality is grounded – namely, that pleasure, and freedom from pain, are the only things desirable as ends; and that all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain (Mill 1960:6).

From the quote above, it can be argued that the ethical theory of utilitarianism is based on the idea that actions can be condoned as ethical only when they promote the Greatest Happiness Principle and unethical when they cause pain. For Mill, happiness implies pleasure and the absence of pain. Here the utilitarian principle is one which appeals to all human beings in the sense that the goal of life is mostly seen in terms of maximising happiness and avoiding doing that which inflicts pain on ourselves and other people. Thus utilitarianism maintains that the goodness of an action should be evaluated in terms of its consequences that the action was done. Since the consequences of economic sanctions erode the greatest good in the target state more effectively, there is no way they can be defended with logical impunity when subjected to the ethical theory of utilitarianism. This deduction is usually known as the utilitarian calculus. Joy Gordon argued that:

When we work out the utilitarian calculus of sanctions, we see on one side that there is not a high likelihood that sanctions will succeed in stopping military aggression or human rights violations. On the other side of the calculus, we see the high probability, if not inevitability, that sanctions will harm the most vulnerable population. Sanctions are a device specifically tailored to harm nations with dependent or weak economies. The economic effectiveness depends heavily on how dependent the target nation is on imports (Gordon 1999:135).

Since most of the target States are usually those countries whose economies depend heavily on imports, from a utilitarian ethical theoretical perspective, sanctions have the capacity to do more harm on poor target States than they would do on target States that are economically relatively autonomous and sometimes dependent on donations from rich countries and multilateral institutions such as the International Monetary Fund (IMF) and the World Bank. It is common knowledge that these two multilateral institutions are controlled by the most powerful countries, who are the main shareholders. The imposition of sanctions on poor countries is not done according to the utilitarian calculus. Consequently, whenever they are imposed on the target state, they harm the weakest members of society.

### **1.4.1 Deontology**

Another ethical paradigm to be employed in this study is based on Immanuel Kant's deontological ethics which says that people should not be used as means to ends; rather they should be treated as ends in themselves. According to Kant, morality is a duty. We have a duty to ourselves as rational beings, and we have a duty to others. Morality is thus a matter of universal conformity to universal law based on the principle that one should do to others what we would like them to do to us. This principle is stated as follows:

I am never to act otherwise than so *that I could also will that my maxim should become a universal law*. Here, now, it is the simple conformity to law in general, without assuming any particular law applicable to certain actions, which serves the will as its principle, and must so serve it if duty is not to be a vain delusion and a chimerical notion. The common reason of men in its practical judgements perfectly coincides with this, and always has in view the principle here suggested (Immanuel Kant, 2012: 18).

The popular reasoning that is applied by the advocates of sanctions is that economic sanctions against a particular state will help the population of the targeted state to revolt against their government. From the perspective of deontological ethics, economic sanctions dehumanise people because they are being treated as a means and not an end in themselves. In the imposition of economic sanctions against a target state, people are used as instruments towards the attainment of goals and purposes that are not necessarily their own. From the Kantian deontological ethical perspective, we become ethical when we see our humanity in the humanity of others. Sanctions are inhumane in the sense that the senders do not see their humanity in the humanity of the population of the target state. It is thus argued that economic sanctions violate morality by virtue of using people as means.

### **1.4.2 The Human Rights Approach**

The third theoretical framework is the human rights approach, whereby it is shown that economic sanctions violate human rights (Rawls 1971). According to Brink (2014):

A human rights-based ethic takes the position that an action is bad if someone's rights are violated, regardless of whether the good outweighs the bad. What is wrong *prima facie* does not become right just because some majority ultimately benefits. A major advantage of a rights-based ethic is that there is no need to calculate total gains and compare them with total losses. It is impossible to precisely measure gains and losses anyway. A rights-based ethic removes this problem (Institute of Economic Affairs 2003; McGee 2002). The only thing that needs to be determined is whether someone's rights would be violated. The matter is further complicated, however, because there are two different kinds of rights, negative rights and positive rights (Haass 1997). Negative rights include the right not to

have your property taken from you without your consent and the right not to be killed. One attribute of negative rights is that they do not conflict. My right to property does not conflict with your right to property. My right to life does not conflict with your right to life. Positive rights have different attributes from negative rights. Examples of positive rights include the right to free or low-cost medical care and the right to subsidised housing.

According to Brink (2014), one attribute of positive rights is that they always involve the violation of someone's negative rights. The kind of rights we need to look at when we are trying to determine whether a particular sanction is justified is negative rights. That being the case, one can easily conclude that the vast majority of sanctions cannot be justified on ethical grounds because someone's rights are almost certainly violated. The sanctions against Iraq killed perhaps as many as 2 million Iraqis between the early 1990s, when they were first imposed, and April 2003, when they more or less ended. Many of the deaths were of children under the age of five (Brink 2014; Haass 1999; Institute of Economic Affairs 2003; McGee 2002). The main cause of death was the lack of adequate medical supplies and malnutrition and the diseases that emanate therefrom. From a rights perspective, the cost is not justified, because the sanctions violated the rights to life, property, and contract, among others. From a rights perspective, someone's rights are almost always violated as a result of the imposition of economic sanctions. In most cases, some of the basic services such as health, food and education, which are supposed to be accessed by all citizens, are interrupted by economic sanctions. From such a theoretical framework, sanctions undermine the basic liberties of the sanctioned country.

### ***1.4.3 African Ethics Tradition***

The fourth theoretical framework is derived from the African ethical tradition. From this ethical tradition we can deduce two ethical principles, namely relationality and the primacy of life. There is an Nguni adage which says "*Umuntu ngomuntu ngabantu* – a person is a person because of other persons. This adage implies that our humanity is inseparable from the humanity of others". For example, Marie Samkange and Stanlake Samkange said that *Ubuntu* means "the attention one human being gives to another: the kindness, courtesy, consideration and friendliness in the relationship between people; a code of behaviour, an attitude to other people and to life, is embodied in *hunhu* or *Ubuntu*" (Samkange & Samkange 1980:39). In the light of the above quotation, *Ubuntu* implies being considerate towards the needs of others. Such an attitude is possible only when one realises that one's wellbeing is inseparable from the wellbeing of others. Munyaradzi Murove observes that, "[a person] with *Ubuntu* will always behave virtuously in her

or his relationships with other people. A virtuous person is someone who has *Ubuntu*” (Murove 2016:173). Someone with *Ubuntu* will therefore have a sense of care and concern for the wellbeing of others. The presumption behind the concept of *Ubuntu* relatedness is the reality that is pervasive in all the realms of human existence. Nhlanhla Mkhize observes that the concept of *Ubuntu* implies the relational nature of being human whereby “personhood is defined in relation to the community ... A sense of community exists if people are mutually responsive to one another’s needs” (Mkhize 2008:39). Here it can hardly be said that economic sanctions express a sense of concern and being responsive to the needs of others. In African ethics, life is valued very much and cherished and celebrated as an expression of being alive.

#### ***1.4.4 Sceptical Realism***

Finally, another theoretical framework which is central to the main argument of this study comes in the form of sceptical realism. An argument that has been advanced by proponents of sceptical realism in international relations is that States relate to each other in a way that is amoral. The theory of sceptical realism in international relations is derived from Thomas Hobbes’s book, *Leviathan*. In this book Hobbes argued that nations cannot have agreeable values because their national values within their particular territories are irreconcilable with each other. He writes, “[t]he notions of Right and Wrong, Justice and Injustice, have no place. Where there is no common Power, there is no Law, no Injustice. Force and Fraud are in War the two Cardinal Virtues” (Hobbes 1967:139). Hobbes’s reasoning was that the international political scene was not governed by a common authority that dictates rules that are supposed to be followed by all nations. Since there was no common authority on the international political scene, it also followed that nations can survive on this international scene only when they solely pursue their national self-interests. The absence of shared ethical norms among nations presupposes that the relations that exist among States are anarchical. Morality can thus exist among nations when there is a common power and compliance with shared norms (Maxwell 1990:11–12). But the fact that the international political scene does not have shared moral norms implies that the relations that exist among nations are based not on altruism but on the pursuit of national interests by whatever means in such a way that the ends justify the means. The implication of sceptical realism with regard to economic sanctions is that both are applied on the target state by the senders with the aim of pursuing selfish national interests. It is for this reason that senders are not constrained by any moral

considerations with regard to humanitarian crises that are inflicted on target States by the imposition of economic sanctions. The instrumental value of sanctions is to effect the realisation of national interests of those States that are economically and militarily powerful. Economic sanctions are therefore designed as one of the strategies that enable the survival of the powerful States in an anarchic international world setting (Maersheimer 2010:349–350). Within the theory of sceptical ethical realism, the most popular arguments that economic sanctions are unethical and that they are a violation of international law are critiqued for failing to realise that senders of sanctions are motivated not by ethical or legal considerations when they apply sanctions to the target state, but mainly by their own national selfish interests.

### **1.5 Research Methodology**

From what has been said so far, this study is theoretical and speculative in the sense that it attempts to find out why the UN and the UNSC approves the use of economic sanctions as a deterrent against perceived errant States despite of the fact that a lot of scholarly research has demonstrated that they do not necessarily achieve the desired results. The study is partly historical in the sense that it will focus on the origins of sanctions in the UN. As a theoretical study, it relies mainly on the plausibility and implausibility of the arguments that have been advanced by proponents as well as critics of economic sanctions as a deterrent measure against perceived errant States. In this regard, the study will start by presenting the arguments of the proponents of sanctions and thereafter go on to present the arguments of the critics of sanctions from an ethical perspective.

The study will select countries such as Iraq, Cuba and Zimbabwe where economic sanctions have been imposed with and without a UN mandate. Through these case studies, the study's argument is reinforced to the effect that economic sanctions inflict devastating consequences on the population of the sanctioned country. Such case studies are used as supporting evidence for the argument that sanctions are unethical. These selected countries are not the only ones to be employed as examples in this study because other countries that have experienced economic sanctions will be used with the intention of reinforcing the main argument of this thesis. For this reason, this study is a work of advocacy in the sense that I am wholly convinced that while sanctions are unethical and, in most cases, illegal, their instrumental value is to promote the national interests of the senders who in this study are those countries that are economically and militarily powerful. My intention is to provide arguments to the effect that sanctions are not

imposed on target countries for moral and legal purposes, but for the pursuit of the selfish interests of the senders. Since this study is theoretical, the research that is done is based on books, journals, and Internet sources, depending on their relevance to the issue under discussion.

## **1.6 Limitations**

This study of economic sanctions is a wide area that cannot be given just treatment within the scope of a single PhD study. As a theoretical study, some claims that are made will not be given empirical validation through interviews or fieldwork research as a way of testing the validity of these claims. Under those circumstances, the study from extensive array of literature. The study does not intend to investigate all countries that have experienced the effects of economic sanctions. In this study I am limiting myself to an ethical analysis of economic sanctions with reference to countries and not to individuals and organisations on which sanctions have been imposed by the UN and other countries without the mandate from the UN and the Security Council.

## **1.7 Layout of the Study**

The study consists of eight chapters that are outlined below:

### ***Chapter 1: Scope of the study***

This part consists of background to the study which traces the evolution of the concept and idea of economic sanctions. The chapter also contains the statement of the problem which captures the problem that makes this study worth pursuing. Furthermore, the study consists of the broad key research question as well as some sub-research questions which should be answered by the researcher after conducting the entire research process. The study is also punctuated by the research objectives that show the aims and purpose for conducting this research. There is also a preliminary review of the literature, and the theoretical framework whereby the study focuses on the utilitarianism, deontology and human rights approaches to economic sanctions. This chapter wraps up by giving an outline of the entire study, which in this case consists of eight chapters.

### ***Chapter 2: A conceptual analysis of the rationale behind economic sanctions***

This chapter is divided into four sections. The first section traces the genesis of sanctions and the issues that are embedded in this section such as unilateral imposition of sanctions, the theory of the Game of interest groups. In essence, this section focuses on how the idea of sanctions came

about. The second section examines global economic issues such as democracy, political, technological, communicative and social linkages during and after the Cold War, and the implication of changes in global economics in relation to sanctions. The third section makes an introspection into the rationale behind the imposition of UN sanctions on two countries during the Cold War that is Rhodesia and South Africa. The fourth section briefly analyses the legal and ethical implications surrounding the imposition of sanctions. The issue that will be analysed in this section includes the legality of imposition of sanctions resting on the provision of Chapter VII of the UN Charter.

### ***Chapter 3: A historical overview of economic sanctions in the United Nations***

This chapter is comprised of three sections. The first section briefly discusses the evolution of the UN economic sanctions in the modern political arena. In the second section my focus will be on the instrumental value of economic sanctions in the UN. The third section will demonstrate that economic sanctions have been used by the UN as a foreign policy tool that was often resorted to in order to resolve international conflicts.

### ***Chapter 4: The United Nations' application of economic sanctions during the Cold War era***

The chapter presents an exploration of the United Nations application of economic sanctions during the Cold War where it highlights issues such as the UN maintaining an uneasy peace, the analogue of the Cold War ideologies, and the dynamics surrounding the application of economic sanctions. In highlighting the dynamics surrounding the imposition and usage of sanctions, the chapter categorically presents economic sanctions that were increasingly applied during the beginning of the 20th century as some of these economic sanctions were enshrined in the United Nations Charter system. The chapter also presents an evaluation of the effectiveness of the application of the United Nations sanctions in the Cold War environment where it noted that sanctions have failed as an instrument to change behaviour and are not free of ethical costs as they impact on innocent civilians. Lastly, the chapter outlines the post-Cold War trends and the use of economic sanctions where it traces the nature and severity of sanctions that were imposed by the UN.

### ***Chapter 5: A critical analysis of economic sanctions after the Cold War***

The chapter gives a run-down of the issues underlying the dimensions and the rationale of

economic sanctions in the post-Cold War era. The chapter looks at the concepts of smart and comprehensive sanctions and analyses their attributes and facets. It moves on to analyse the usage of the smart sanctions by the United Nations across the world where it unpacked the modalities that are associated with the UN sanction imposition system, successes and failures by the UN to realise their intended objectives: the supporting clauses of the UN Charter that paved the way for sanctions to be imposed. The problems militating against the implementation of the smart sanctions are also delved into. In addition, the reasons behind the adoption and imposition of smart sanctions are also captured. In this case, factors such as deterrence, compulsion, and coercion as well as the symbolic facets of economic sanctions are highlighted. Lastly, the chapter captures the scenarios of the usage of economic sanctions in the new dispensation where sanctions are used as a measure for facilitating the adoption of international humanitarian law. Economic sanctions can also serve as a measure for combating terrorism as well as serving as an ethical measure for conflict prevention.

#### ***Chapter 6: Economic sanctions against Cuba, Iraq and Zimbabwe***

The chapter focuses on the deployment of economic sanctions on Iraq, Cuba and Zimbabwe. In the process it traces the origins or factors that contributed or led to the imposition or adoption of economic sanctions in these three respective countries. The Iraqi scenario saw the economic sanctions being imposed as a result of Iraqi's invasion of Kuwait. The Cuban case witnessed the US government imposing an embargo on Cuba in 1959 as a strategy to oust the Castro led Communist revolutionary government. The economic sanctions evolved into a comprehensive blockade in the early 1960s. The Zimbabwean case is punctuated by the imposition of sanctions that came as a result of Zimbabwe's policy to grab its land back from its erstwhile colonial masters. The chapter highlights the rationale behind the imposition of these economic sanctions on these respective countries as well as the nature of these sanctions in these countries. Lastly, the far-reaching effects of these sanctions on Cuba, Iraq and Zimbabwe are also captured.

#### ***Chapter 7: An ethical critique of economic sanctions***

The chapter focuses on providing an ethical critique of sanctions as a deterrent tool for sovereignty. The chapter captures the alternative goals of economic sanctions in which economic sanctions were viewed as a form of statecraft that nations use in satisfying the goals of their foreign policies. In addition, the legitimacy of sanctions in the context of Just War doctrine are examined. The Just

War theorists aimed at stopping the selfishness that emanates from people by advocating for proportional reason, legitimate authority, and right intention in the imposition of economic sanctions, which are correspondingly highlighted. Humanitarian suffering as a mechanism of persuasion using Kantian analysis was also captured in line with the Just War doctrine. The utilitarian justification of sanction as well as the ethical problems of indirect economic sanctions in which sanctions are purportedly imposed on those nations which do not conform in particular to usually ethically perceived standards are also presented.

The chapter delves into the ethical problems of indirect economic sanctions where the dual notion of sanctions (that is, positive and negative sanctions) and how sanctions are meant to alter the behaviour or action of the target nation are noted. Furthermore, the nexus between economic sanctions and human security is also delved into, where the chapter discusses the following dimensions: economic sanctions and the principle of discrimination, the impact of economic sanctions on human rights, the impact of economic sanctions on basic freedoms, as well the impact of economic sanctions on the reformative efforts of nations. Consequently, the chapter presents an unexpurgated version of the immorality of economic sanctions where the inhumanity and the decadence of economic sanctions are extrapolated. This in addition to the global dynamics surrounding the deployment of economic sanctions marks the final segment of the chapter.

### ***Chapter 8: General conclusion and recommendations***

This chapter focuses on giving a summary of the key issues undergirding the ethical efficacy of economic sanctions as a deterrent tool for sovereignty. The chapter provides a synopsis of the first seven chapters as well as a synthesis as to how economic sanctions can be ethically applied to promote peace and stability across the globe. The chapter discusses the key dimensions and rationale behind the imposition of economic sanctions as well as the nature and effects thereof on Cuba, Iraq and Zimbabwe. The study therefore concludes that economic sanctions are not ethical in their application as they fall short by causing harm to the very people whom they intend to protect. The ordinary citizens, who in this case are the general civilians, are exposed to socio-economic evils as there is the visible economic strangulation and deprivation of goods and services. The study established that the use of economic sanctions is an implausible tool for sovereignty.

## **CHAPTER 2: AN ANALYSIS OF THE RATIONALE BEHIND ECONOMIC SANCTIONS**

### **2.1 Introduction**

It is an indisputable fact that the imposition of economic sanctions on another country does have disastrous consequences on the target state. In most of those countries that have been targeted with economic sanctions it is known that those economic sanctions have destroyed the healthcare system and infrastructure of the target state. Those who impose economic sanctions justify their acts by claiming that their aim is to punish the regime of the target country regardless of the fact that in most cases it is the majority of the innocent citizens of the target state who end up suffering from the negative consequences of those sanctions compared to those who are the rulers of the target state. It is mainly for this reason that many scholars have argued that economic sanctions are unethical (McGee 2003; Allen & Lektzian 2012).

Despite the ethical problems that always emanate from the imposition of sanctions on the target state, the United Nations Security Council has continued to call for sanctions against those countries that are considered to be rogue States. The United Nations Charter stipulates that economic sanctions can be used as one of its arsenals for the maintenance of peace and security in the world. The aim is to force the target state to modify its behaviour according to internationally accepted norms. In this regard one can say that economic sanctions are aimed at enforcing a situation of behaviour modification on the target state. However, even after behaviour modification in terms of foreign policy from the target state, sometimes economic sanctions have remained in place. For example, the case of Iraq shows the reverse of these objectives, because economic sanctions were maintained even though Iraq had pulled out of Kuwait, the reason that was initially given by the senders as the sole objective of sanctions against Iraq. Economic sanctions are usually imposed by the senders under a potpourri of motives that are not usually stated by the senders.

If sanctions bring about loss of human life, the question that arises is: why have the UNSC and the UN continued to implement them? This question has been central to all scholars who have researched and written on the impact of economic sanctions on the target state such as Gordon (1999). Some scholars have characterised them as a “blunt instrument” which is used by the international community, but “without full consideration of the impact that these measures will have on the population of the targeted countries, particularly the weakest elements of society”

(Allen& Lektzian 2012:121). Other scholars have argued that the imposition of economic sanctions on the target state have given rise to unintended consequences with regard to the target state that are radically different from the intended aims of the sender States (McGee 2003). Because of the collateral damage inflicted on the target state, it has been suggested by supporters of sanctions that to avoid collateral damage, economic sanctions should be smart or targeted instead of being imposed indiscriminately on the target state (Drezner 2011). However, the problem with so-called smart sanctions is that the effects of such sanctions on the target state remain the same when compared with comprehensive sanctions. It is mainly on the basis of the inherently indiscriminate nature of their consequences on the target state that some scholars have referred to economic sanctions as a “deadly remedy” (Gordon 1999).

While the UNSC is mandated by the UN Charter with the responsibility of employing all means necessary as a means towards the promotion of peace and security in the world, some countries (notably United States, United Kingdom, EU members states and Australia) have ignored this spirit of the UN Charter and have proceeded to impose sanctions unilaterally against States that are considered to be hostile to their interests. Such a practice is undoubtedly a violation of international law and the spirit of the UN Charter. While the professed motive of the senders of economic sanctions is closely related to the principles of criminal justice – rehabilitation of the offending state– as will be shown in the following chapters –there is no empirical evidence that economic sanctions have achieved the objective of such rehabilitation. The aim of this chapter is therefore to provide an analysis on the rationale behind the imposition of sanctions and whether such a practice is ethically defensible. Apart from this introduction, the chapter is divided into four sections. The first section discusses the main rationale behind the imposition of sanctions on the target state. In the second section, my focus will be on sanctions as a tool for international foreign policy. The third section focuses on how national interests of the economically and militarily powerful countries have played a significant role in the imposition of sanctions in many instances. The fourth section discusses the motive of the senders behind the imposition of economic sanctions against the target state.

## **2.2 The Economic Rationale Behind the Imposition of Sanctions**

The traditional understanding of economic sanctions has been predominantly based on the idea that the intention of senders is to bring about policy change in the target state by imposing

economically harmful economic sanctions. William Kaempfer and Anton Lowenberg described this view as “the instrumental theory” of economic sanctions (Kaempfer & Lowenberg 2007:786). This instrumental view of economic sanctions has been the dominant one among many scholars who have discussed economic sanctions from different disciplines. Thus, the political presumption behind the imposition of economic sanctions is that they effect policy change on the target state which is on the long run desirable to the senders.

The United States of America has been on record for imposing economic sanctions unilaterally in many countries. Most of the reasons that are stated by the US for imposing economic sanctions over the years are as follows: “Boycott activity, Communism, Transition to democracy, Environmental activity, Expropriation, Harboring war criminals, Human rights, Market reform, Military aggression, Narcotics activity, Proliferation of weapons of mass destruction, Terrorism and Workers’ rights” (McGee 2003:41). The United Nations has multilaterally imposed economic sanctions on the basis of some of these reasons (McGee 2003:41). Some scholars such as Dean Lacy and Emerson Niou analysed economic sanctions from a theoretical “game” perspective in which they postulated about a game of economic sanction operating under the following rationale:

Cases of economic sanctions involve a coercer who wants a target to comply with the coercer’s demands on some issue, X. To gain concessions on the disputed issue, the coercer threatens sanctions, S. For simplicity, we assume that the issue under dispute has a binary outcome, such that  $X = (x, -x)$ . We will use the convention that  $x$  = coercer’s demand met on original issue,  $-x$  = the coercer’s demand not met. Sanctions also involve a binary outcome,  $S = (s, -s)$ , where  $s$  = sanctions,  $-s$  = no sanctions. The strategic moves in the game begin with a choice by the coercer of whether to threaten sanctions. After the coercer threatens sanctions, the target either complies with the coercer’s demand in respect of X, or does not comply. The coercer then chooses whether to impose sanctions. After the coercer’s decision to impose sanctions, the target decides whether or not to capitulate to the coercer’s demands (Lacy & Niou 2004:28).

In this game of economic sanctions, it is usually the coercer who wants the target state to comply with its own demands. But the problem is that since each state is a sovereign entity, it is only logical that no state which takes its sovereignty seriously will take seriously the act of being bullied through sanctions. Lacy and Niou went on to say that, “We specify two types of targets: resilient targets (TR) and compliant targets (TC). Resilient targets would prefer to suffer sanctions without complying with or capitulating to the coercer’s demands. A compliant target would rather concede to issue X than suffer economic sanctions. In short, for the compliant target,  $05 > 01 > 02 > 04 > 03$ ; for the resilient target,  $05 > 01 > 03 > 02 > 04$ ” (Lacy & Niou 2004:30). In other words, these

two authors are saying that there are more benefits to be accrued from complying as compared to those accrued from resisting the threat of sanctions. Here, the presumption is that the coercer will not impose sanctions if the target state complies with the demands of the coercer (Lacy & Niou 2004:30). In other words, what is implied is that conceding to the demands of the coercer is usually done on the basis of economic costs versus being resilient to the threat of sanctions. But Lacy and Niou conceded to the fact that sometimes “the resilient target’s preferences could be rooted in noneconomic considerations, such as the domestic or international political cost of backing down” (Lacy & Niou 2004:32). This observation somehow undermines the binary model which these authors had given us above as the dominant rationale behind the game of economic sanctions, as we shall see in the examples that will be given in respect of economic sanctions that were imposed on other member States of the international community such as Cuba, Iraq and Zimbabwe. In the light of the case studies chosen in this study in chapter six, economic sanctions were resisted not on the basis of the economic rationale of making decisions after calculating costs and benefits, but mainly on the basis of national pride and ideological convictions. Lacy and Niou proffered a game theory of economic sanctions with a nicely put binary model intended to support their presumption that economic sanctions are based on predictable favourable outcomes. This analysis also fails to capture the effects of economic sanctions in neighbouring countries of the target state – thereby implying that economic sanctions will negatively affect only the target state to the exclusion of the neighbouring countries which, as we shall see later, bear the consequences of those sanctions. Another weakness in the above game theory of economic sanctions is that it presumes that economic sanctions are imposed on the target state by all citizens of the coercing State(s). In this regard, an argument that will demonstrate that economic sanctions are usually a game of interest groups will undermine the above presumption.

Another rationale behind economic sanctions is based on the theory of the Game of Interest Groups. As Mélanie Golliard puts it,

According to the interest group theory, policies in international relations and their implications are perceived as outcomes of the set-ups of domestic interest group politics within sender and target countries. In other words, it expresses how national policy choices mirror the interests of constituency groups within the polity ... National governments have no independent policy preferences or agendas” (Golliard 2013:44).

For Golliard, it is interest groups that are listened to by national governments on the understanding that in a given country, they are critical in determining competing “domestic interest groups, acting in a more less impartial manner”. Golliard maintained that while some might derive some utility from the imposition of sanctions, other interest groups derive some moral satisfaction from the fact that the target country has been punished for its deviant policy stance (Golliard 2013). Thus she writes: “The public choice approach is based on the fact that policy markets exist, where the policy constitutes the good. Both sender and target States own such markets.” She went on to say that the pressures that are put on both sender and target States “are the results of private utility maximisation from individual members of interest groups involved” (Golliard 2013:45). In the light of the above analysis of economic sanctions, it is evident that the rationale of economic sanctions from a game theoretical analysis based on free market economic methodological assumption where each person and their motivation for action is aimed at the maximisation of utility. This utility maximisation is a common element among both sender and target of economic sanctions.

Nonetheless, the problem that arises from the above brief description of Golliard’s analysis of economic sanctions on the basis of the game theory of interest groups is that it makes an economic fallacy which has haunted economics as a discipline – that all human actions are about utility maximisation among individuals, and that all human actions are undertaken after calculating costs and benefits. The underlying presumption in this mode of thought is that all human beings are egoists. As Munyaradzi Murove observes, “Since it is argued by neo-liberal economists that human beings will always act in a way that maximises their own utilities, the only admissible type of reasoning is instrumental reason or ends-orientated rationality” (Murove 2005:109). In this utility maximisation rationality embedded on the game theory of interest groups, reasons behind the imposition by the sender to the target state are based on one single motivation, which is utility maximisation. On the final analysis, utility maximisation excludes the existence of other forms of motivation which have nothing to do with utility maximisation on the imposition of sanctions by sender and target state. For example, the sender of economic sanctions can do so for humanitarian reasons such as protecting the citizens of the target state against the abusive use of power against its citizens.

Likewise, Golliard, who analysed economic sanctions from the game theory of interest groups William Kaempfer and Anton Lowenberg argued that apart from the traditional instrumental view of economic sanctions as basically aimed at bringing about policy change in the target nation, “sanctions might have an altogether different goal – namely to serve the interests of pressure groups within the sanctioning country”. These authors went on to say that “even sanctions which have little economic impact in the target country can induce desired political responses if they are designed to selectively affect the appropriate interest groups” (Kaempfer and Lowenberg 2017:786). It is not clearly stated in the above quotation with regard to what is meant that sanctions that have little economic impact in the target country end up producing desired political desires.

However, one can deduce that these two authors are dogmatic believers in the efficacy of sanctions as a tool for policy change in the target state. For these authors, economic sanctions are desired by interest groups in both the sanctioning country and the target country. Thus they claim that “[w]e use an equilibrium model of interest group competition within the sanctioning country and the target country, in which public policy outcomes are explained as a function of the relative effectiveness of interest groups in generating political pressure. One purpose of the model is to predict the content and level of sanctions imposed by the sanctioning country and the target country” (Kaempfer & Lowenberg 2015:786–787). In this way of reasoning, sanctions are based on the principle of reciprocity between interest groups in the sanctioning country and the target country. On the basis of the above claim, the authors assert that “this approach might be used to explain why sanctions typically restrict imports from the target country rather than exports to that country, or to explain the types of imports singled out for embargo” (Kaempfer & Lowenberg 2015:786–787).

In this type of reasoning, it is eminently clear that the sanctioning country encourages exports to the target state while restricting imports from the target country, a practice that shows that the imposition of economic sanctions is done for self-serving purposes by the sanctioning countries instead of the national economic interests of the target state. For example, as we shall see in chapter five, individuals who belong to interest groups in the sender state made huge profits by trading with the target state, a practice that is popularly known as sanction busting. The implication here is that sanctions are important only when they help the interest groups from the sanctioning country

to reap as much profit as possible. Such a practice from an economic point of view ultimately implies impoverishing the target country through a process of looting.

Meanwhile, another rationale that has been crafted by some political scholars of IR and economists is that economic sanctions can cause untold suffering in a way that outweighs the original goal that the senders professed to want to achieve. Despite the elegance of mathematical equations and sophistry in philosophical arguments, a fact that has remained very crucial to promoting peace and security in the world. The arguments that have been applied by ethicists and non-ethicists alike are that economic sanctions have caused indiscriminate suffering of people in the target country in a way that has surpassed a situation of actual war in the target country. For this reason, some scholars in international relations and policy makers have argued that instead of applying comprehensive economic sanctions on the target country as a whole, this senseless cruelty and indiscriminate mass killings of innocent people that has always dovetailed the imposition of economic sanctions on the target country can be avoided when economic sanctions are imposed selectively against individuals, companies, institutions and organisations that supported the government of the target state. This selective application of economic sanctions is usually referred to as ‘smart sanctions’ by the reformists of economic sanctions scholarly discourses.

Within the current literature on economic sanctions, the evolution of the idea of smart sanctions should be traced to the end of the Cold War era. After the end of the Cold War, as Daniel Drezner puts it, “The most high-profile cases were comprehensive United Nations sanctions imposed on Iraq, Haiti, and former Yugoslavia in the early 1990s”. Drezner went on to say that, “The Iraq sanctions created three significant and overlapping political problems for the proponents of economic statecraft as a foreign policy tool. First, they did not seem to work. When they were initially imposed, most policymakers believed that Saddam Hussein would be the victim of a coup in short order. Instead he was defiant in his refusal to acquiesce to Security Council demands on weapons inspections” (Drezner 2011:98). Unsurprisingly, the Iraq sanctions resulted in a disastrous humanitarian crisis. On the other hand, “The final policy problem was the link between sanctions and the spread of corruption, as the UN’s Oil for Food scandal made clear. By punishing ordinary market activity, sanctions give entrepreneurs a strong incentive to take the criminal route – and very usually earn higher-than-usual profits in the bargain. Sanctions and black-market activity therefore go together. ... Sanctions do not just weaken the rule of law in the target country

– they weaken the rule of law in bordering countries and monitoring organisations as well. The corruption has a path-dependent quality, persisting along after sanctions have been lifted” (Drezner 2011:98).

In the light of the above argument, Drezner maintained that the failure of sanctions in Iraq led some scholars to find new ways. There was doubt on whether sanctions were really working as a foreign policy tool because those who were hurt were those who were politically weak and ironically, those who benefited were those who were supporters of the regime of the target state. Some scholars went as far as arguing that those who suffered the consequences of comprehensive economic sanctions were women and children of the target country. As it will be discussed in chapter six, the Iraq sanctions are said to have triggered worldwide protests from NGOs on the issue of human security and ethical issues related to the imposition of comprehensive sanctions. It is on record that “UN Secretary-Generals Boutros Boutros-Ghali and Kofi Annan both labelled sanctions as a ‘blunt instrument’ and asked whether the suffering inflicted on vulnerable groups was a legitimate means of exerting pressure on political leaders” (Drezner 2011:99). The critique against multilateral sanctions was mainly based on the idea that the practice itself was based on the principle of indiscriminate punishment which in the final analysis was not effective in bringing about policy change to the target state. Thus the paradigm shift to smart sanctions was partly premised on the belief that

[s]mart sanctions could raise the target regime’s costs of noncompliance while avoiding the collateral damage that comes with comprehensive trade embargoes. The most prominent countrywide examples included financial sanctions, asset freezes, travel bans, restrictions on luxury goods, and arms embargoes. Furthermore, instead of sanctioning an entire country, smart sanctions advocates advocated the targeting of individuals, restrictions corporations or holding companies associated with the target government’s leadership. Targeted sanctions would hamper the ability of leaders to offer crucial supporters rent-seeking opportunities (Drezner 2011:100).

However, the question that arises against the efficacy of smart sanctions as compared to comprehensive sanctions is that smart sanctions can easily cause the same effects to the target countries in a way that is similar to the effects that are caused by comprehensive sanctions. The belief in the efficacy of smart sanctions was succinctly captured by Maria Bengtsson when she said smart sanctions are based on “selecting methods aiming to target the elites responsible for the offensive policy and thus aim[s] to minimise hardship on the general population, especially the

most vulnerable” (Bengtsson 2002:19). Instead of implementing comprehensive sanctions that were primarily aimed at trade embargoes, smart sanctions put emphasis on financial restrictions of embargoes which “include measures such as freezing foreign assets of a targeted country, government or individuals” (Bengtsson 2002:19). Bengtsson went on to say:

Because more focus is on the powerful and wealth, financial sanctions put pressure on those responsible for the wrongdoing instead of on vulnerable populations. Furthermore, they minimise the short-term humanitarian and the long-term social costs for the people in a targeted country. ... For a targeted country’s vulnerable population these sanctions are likely to be less severe than with traditional trade sanctions” (Bengtsson 2002:19–20).

In the light of the above observation, the main presumption is that smart sanctions are designed to punish only a few of the targeted country’s elite or those who are in political power and their associates nationally and internationally. The question that arises is whether smart sanctions do not have the same negative effects similar to those that are experienced by the target country under comprehensive economic sanctions. If we take it that political leaders are there to promote the national interest of their countries, it should also follow on logical grounds that sanctions that are imposed on those politicians as individuals will have adverse effects on the target country because those politicians who have been put on sanctions can no longer represent their countries in the international arena. Without international representation, the majority of the citizens whose politicians have been put on smart sanctions will end up suffering the economic consequences in a way that resembles those target States that are under comprehensive economic sanctions. Apart from the above dominant assumptions about economic sanctions, the other rationale behind economic sanctions is based on the belief that economic sanctions are a tool for the promotion of international foreign policy by sanctioning a country or countries that behave in a way or promote policies that violate(s) international law.

### **2.3 Sanctions as a Foreign Policy Tool for the Enforcement of International Law**

Thomas Hobbes was one of the philosophers who stated explicitly in his book, *Leviathan*, that the problem with the international political scene is that it lacks a common authority or government and consequently it is dominated by the pursuit of national interests. In an international political context where there is no common government, the very idea of enforcing international peace and international law remains the responsibility of sovereign States. Jackson Ralston maintained that International Law is derived from international conventions whereby

[n]ations agree among themselves on the formation of rules of navigation, treaties of naturalisation, recognition of trademarks and of copyrights ... and an immense number of minor conventions which involve no abstract right as a rule, but are an arrangement of relations upon matters usually morally indifferent. In each instance there is created a *modus vivendi* from which no one nation has any sufficient reason to depart. The rule is universally observed just as a like rule is followed within the State, and may lead to no material international differences. Aside from convention, there also grows up what may be called the minor common law of nations regulating their intercourse of courtesy. All of these matters are treated under the head of International Law and have their importance as the usages of polite international society (Ralston 2012:12–13).

### **2.3.1 *The Challenges of Enforcing International Law***

In view of the observation made by Ralston in the previous section, it is evident that International Law is derived from rules and norms that nation States freely enter among themselves in an attempt to come up with a universally acceptable international order. Rules that are central to International Law are thus presumed to be binding on all nations. But the question that arises is: who enforces the rules of International Law? As an answer to this question, most scholars have deduced that the international political scene is characterised by anarchy owing to the absence of morality on the international political scene. What is considered to be lawful by one country maybe unlawful and morally repugnant to another nation or nations. In this regard, it has been emphasised over and over again by scholars that the drive towards the promotion of international moral norms is based on the realisation that the international political scene is bereft of shared moral values among nations. Ali Mazrui observes: “The essential difference once again between the international domain and the domestic may hinge on the simple fact that the international dimension does not have law in the same sense as the domestic. There are no legal sanctions, as we know all too clearly, that can be applied against transgressors in the international system. There are no jails to which offending nations might be sent; and even economic sanctions and boycotts have been applied so half-heartedly that as often as not, they have strengthened the transgressor instead of weakening her” (Mazrui 1974:434). In this way of thinking, it is eminently clear that Mazrui is arguing that international law differs remarkably from domestic law because there are no stipulated sanctions that can be imposed against those who violate international law. Mazrui’s scepticism towards International Law is not shared by other scholars.

Contrary to Mazrui’s scepticism towards International Law, Edmund Jan Osmanczyk has an optimistic view towards the international acceptance of the existence of International Law. As he

puts it: “The 20th century marked a hundred years of codification and development of international public law. An initiative to this end was taken by the League of Nations, which on 22 September 1927 established a Committee of Experts for the Progressive Codification of International Law. In 1927 the League of Nations convened Conferences for Codification of law in the areas of citizenship, shipping law, and certain fields of responsibilities of States” (Osmanczyk 1990:458). In the light of the above quotation, the argument that is being made is that there has been a gradual international commitment to the development of International Law and its codification. This gradual commitment to international law can be deduced from the fact that there are treaties which are agreed upon by all States as legally binding. As Osmanczyk phrased it: “The war crimes against humanity have played an important role in preparation and adoption of such significant treaties for international law as the Convention on Genocide of 1948, [the] Convention on the Prohibition of Racial Discrimination of 1965, the Covenants on Human Rights of 1966. The UN General Assembly also adopted conventions and treaties concerning the limitation of armaments, the Treaty on the Antarctic of 1959, the Treaties on the Prohibition of Nuclear Tests in the Air, Outer Space and Under Water of 1963, the Non-proliferation of Nuclear Arms of 1968, and many others” (Osmanczyk 1990:458). This is clearly an expression of optimism on the existence of International Law.

### **2.3.2 *Natural Law***

Another source of optimism in the existence of International Law is derived from the philosophy of Natural Law. From the philosophy of Natural Law, one finds that it is usually asserted that as human beings we are one family which shares the same moral values. The shared moral values help us to have the same life outlook towards that which is morally permissible and impermissible. Mary Maxwell’s deduction of morality from Natural Law led her to the conclusion that “[e]ven in the absence of world government, and despite the problem of cultural pluralism, there is still a universal standard of right and wrong” (Maxwell 1990:32). However, Maxwell went on to say:

The significance of natural law for our discussion of international morality stems from the fact that it is sometimes proposed either as a guide for international law or as a source of judgement of the behaviour of individual States. The most dramatic use of natural law in an international context occurred this century at the Nuremberg Tribunals. There, the prosecutors identified the category of ‘crimes against humanity’. These included the ‘extermination, enslavement, deportation and other inhumane acts committed against any civilian population ... *whether or not in violation of domestic law*’ [her emphasis] (Maxwell 1990:33).

In other words, the rulings against heinous crimes against humanity under the auspice of the international community criminal court set precedence on the existence of International Law. Here the implication is that International Law was something that was historically concrete. Thus she writes:

The historical relationship between natural law and international law can be outlined as follows. The Romans first worked out a *jus gentium* (law of nations) in order to govern the many diverse tribes in the Empire. This *jus gentium* was said to contain those universal principles of law that were practised everywhere because of human nature rather than because of local convention. As such, the *jus gentium* was more or less interchangeable with the *jus naturale*. Later the Romans made use of the Stoic natural law idea in order to obtain a broader theoretical base for the *jus gentium*. ...Roman *jus gentium* was, however, not international law, since all nations were part of the Empire. Indeed, even for over a thousand years after the fall of Rome there was no need in Europe for a true international law: the States of the Holy Roman Empire were unified in their deference to papal authority. Moreover, it was a central metaphysical belief of the Christian religion that God was the author of a universal order. Saint Augustine (354–430) proposed that the very existence of separate States was artificial, a result of punishment for sin. By the seventeenth century, however, following the Reformation and Counter Reformation, it was no longer possible to maintain the fiction of a united Christendom: the States of Europe were constantly warring (Maxwell 1990:34).

### **2.3.3 Sources of International Law**

Within the history of the West, the idea of International Law evolved from the Greek philosophical concept of Natural Law and the Roman Empire. Apart from these two sources for International Law, the other source which is identified by Maxwell is the Christian religion with its idea of God as the author of the universal order. The idea of International Law was already being sought after in the antiquity of the Christian religion. But the Western world's approach to International Law was resented in the Western world because of the hegemony of the papacy. The Reformation era did not make things easy for the emergence of International Law because the main spiritual thrust for the reformers was against universality in favour of the nation-state. However, after the Second World War, the need to avoid the situation that led to the Second World War led to the formation of the United Nations and the subsequent formation of the International Law Commission which was comprised of experts who were committed to the development of International Law and its codification. As Osmanczyk (1990:459) puts it: "The commission seeks to make international law a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations. Most of its work consists of drafting articles on various aspects of international

law which could ultimately be included in international conventions or other legal instruments”. Thus the formation of the International Law Commission aimed at coming up with internationally binding legal norms for all States that comprise[d] the international community.

#### ***2.3.4 Principles of International Law***

In 1944 American and Canadian internationalists came up with International Law principles and postulates that were all in all aimed at strengthening International Law in the aftermath of the Second World War. The spirit behind most of these principles was aimed at the promotion of peace and security as an international legal obligation to be adhered to by all States. For example, Principle 2 States: “Each state has a legal duty to see that conditions prevailing within its own territory do not menace international peace and order, and to this end it must treat its own population in a way which will not violate the dictates of humanity and justice or shock the conscience of mankind”. In the same spirit, Principle 2 states: “The law of the Community of States is international law. The development of an adequate system of international law depends upon continuous collaboration by States to promote the common welfare of all peoples and to maintain just and peaceful relations between States” (Osmanczyk 1990:459). Thus one finds that in many instances where comprehensive economic sanctions have been imposed on the target state, the reason that has been given by the sanctioning country or countries has been that the target country has violated International Law. The thrust of International Law was mainly aimed at averting the possibility of the recurrence of the European international political conditions that served as a stimulant to the rise of the Second World War. The imposition of sanctions on the target state has been done on the basis of protecting human rights which are seen as an articulation of the spirit of International Law in praxis.

#### ***2.3.5 Functions and Human Rights***

Apart from the justification of the imposition of economic sanctions as a mechanism for the enforcement of International Law against the target state, the other rationale that is given for the deployment of economic sanctions against the target state is usually presented as a mechanism for the protection of human rights in the target state. As seen previously, both comprehensive and smart sanctions are rationalised on the basis that they are the only way of protecting human rights against the abuses of the citizens within the target state. Smart sanctions are deemed preferable by other scholars on the grounds that they do not violate human rights as compared to comprehensive

economic sanctions. However, most of the members of the UNSC have always talked of human rights violations and are swifter in imposing sanctions as punitive measures to those countries that are accused of violating human rights. In most cases those countries that are friends of some of the UNSC permanent members have wantonly violated human rights without facing any condemnation or the punitive measures of sanctions from these permanent members of the UNSC. For example, it is well known that Saudi Arabia, Kuwait, Bahrain and Israel (on the Palestinian issue) have wantonly violated human rights without being threatened with economic sanctions by the USA and her UNSC allies. It is also common knowledge that before Saddam Hussein invaded Kuwait he was notoriously known for ruthlessly violating human rights with impunity without being threatened with economic sanctions from the USA and her UNSC allies. Another plausible reason behind the imposition of sanctions against the target state is usually related to the pursuit of the national interests of those countries that impose sanctions on the target state.

#### **2.4 Economic Sanctions and the Pursuit of National Interests**

In the preceding discussion it was shown that with regard to economic sanctions, whether comprehensive or smart, the end result is that they inflict human suffering indiscriminately. The concept of national interest is related to the classical liberal economic theory of *homo economicus*, which said that human beings were selfish or egoists by nature (Mandeville 1924; Smith 1976). Classical economists have maintained that the individual pursuit of self-interest in economic relations has nothing to do with ethical considerations. What is deemed as solely the motivating force in economic relations is self-interest. Equally, classical political philosophers have argued that political liberalism should be based on the presumption that the pursuit of self-interests should be understood as the main motivating force in political decision making (Hobbes 1967; Ernest C. Mossner, 1980). Thus, in its foreign policy, each state is presumed to relate to other nations purely on the basis of pursuing its own national interest. This pursuit of national interest is done in a way that is devoid of moral considerations. This is popularly known as the theory of political realism. Mary Maxwell summarised the thinking behind the national interest of the theory of political realism as follows: “In the real world, it [political realism] says international relations are characterised by aggression, deceit, and the play of power politics. The national leader must, perforce, follow the rules of the game: he must meet his opponents on their own terms. To wish instead that the world were a more moral or idealistic place is to engage in naïve fantasy” (Maxwell

1990:11–12). In this way of thinking, international relations and foreign policies are not based on moral considerations but on promoting national interests. Maxwell went on to say: “Realism believes that certain forces in the world, or perhaps ultimately in human nature, determine the outcome of international events. This belief naturally devalues any effort to make nations behave ethically” (Maxwell 1990:14). If one applies this theory of national interest to sanctions, one can say that sanctions are not imposed on the target state for humanitarian purposes, but for the national interests of the sanctioning countries. The connection between national interests and sanctions does away with the claim which is usually made by the sanctioning country or countries when they say that sanctions were for humanitarian purposes in the target state. As we shall see in chapter seven, the criticism that has often been levelled against the imposition of economic sanctions that they are unethical is based on the idea that the pursuit of national interests through economic sanctions undermines any ethical considerations.

Economic sanctions do serve various interests of the imposers on the target state. Craig Knouse (1986) observes that the USA sanctions can be categorised into national interests such as “defense, economic, world order and ideological”. As he puts it, “[t]he multitude of sanctions cases can be subjectively simplified into six different groups: human rights, nuclear safe-guards, expropriation, destabilization, territorial and war” (Knouse 1986:100). All these categories are deemed to serve USA basic national interests. Knouse went on to explain these basic interests as follows:

Human rights: This issue is most easily identified as an ideological interest. The US believes that its set of values expressed in the form of human rights are universally good and therefore should be followed by all nations. Nuclear safeguards: The protection of the international system relies on the protection of nuclear weapons and their proliferation. This issue fits into the world order interest category. Expropriation: This issue is most easily identified with the economic interest category. Most of the expropriation cases involve the seizure of US company assets and not US government properties. Destabilization: This issue is mainly involved with the protection of world order interests. Sometimes the ideological label could be applied to destabilizing a government. Territorial: This issue also is covered by the world order interest category. Occasionally the seizure of territory can be influenced by economic reasons, but on the whole, world order interests is a more accurate label. War: This issue is most certainly of the defense interest category. Only during this issue can physical violence be used towards the homeland of the country initiating the sanction (Knouse 1986:102).

While Knouse identified the above national interests as the USA’s basic national interests, he also acknowledges that these national interests do have a spill over [effect] into other categories as well. If national interests have a spill over effect, it is problematic for one to put these national interests

into categories as Knouse has done. The USA has never been consistent in its adherence to the issue of human rights. As stated previously, it supported totalitarian regimes that ruthlessly oppressed its citizens such as Saudi Arabia, yet no economic sanctions have ever been imposed by the USA against Saudi Arabia. The USA has been on record for arming other countries with nuclear weapons as well as refusing to impose economic sanctions against oppressive regimes. In other words, the pursuit of national interest through sanctions is not done in a way that is consistent. When sanctions are imposed on the target country on the basis of national interest they serve the selfish purposes of the sender. The case of US sanctions on Cuba is an instructive example in this regard.

#### ***2.4.1 The Example of Cuba***

As we shall see in chapter six, the USA sanctions against Cuba were mainly punitive against Fidel Castro, who was pro-socialist economic policies as opposed to the Batista regime, which was pro-capitalist. In this case Golliard observes that, “As Cuba was getting closer to the Soviet Union, commercially and politically, United States reacted by initiating a series of policies acting as a near-total embargo. Unilateral economic sanctions implemented by the United States against Cuba are broad-reaching in scope and duration, during more than four decades” (Golliard 2013:94). To put it another way the USA’s imposition of sanctions against Cuba was based mainly on ideological grounds rather than humanitarian ones. When sanctions are imposed in pursuit of national interest, they violate the country’s sovereignty of the target state to pursue its own socio-economic policies without external interference. Economic sanctions against Cuba were not imposed to help the Cuban people; rather, they were imposed in order to advance USA’s national interests. Sanctions against Cuba were imposed on the grounds that by nationalising most of the industries, Fidel Castro had undermined the USA’s national interests in Cuba.

#### ***2.4.2 The Example of Iraq***

In the case of Iraq, some scholars have argued that sanctions against Iraq were based mainly on the pursuit of the USA and European national interests. While economic sanctions are stipulated in the UN Charter as one of the instruments to be used to promote peace and security in the world, in the case of Iraq, economic sanctions were used to politically destabilise and undermine the sovereignty of Iraq. Economic sanctions that were imposed on Iraq as a punishment for invading Kuwait were later used by the USA and her European allies as leverage for the overthrow of

Saddam Hussein's government. Kenneth Vaux argued that the imposition of sanctions against Iraq was done to serve USA national interest, which in this case was cheap oil. When the imposition of sanctions failed to remove Saddam Hussein from power, the USA went on to claim falsely that Iraq possessed weapons of mass destruction. When economic sanctions decimated over five hundred thousand Iraqis, the USA felt that its primary objective, which was that of removing Saddam Hussein from power, had not been achieved; hence, it decided to go to war against Iraq.

Alexander Thompson observes that the USA went as far as making payments to those countries that supported the war effort against Iraq. He writes: "Payments were handed out by the United States to many countries, including at least Egypt, Poland, Syria, and Turkey, and Security Council Members Columbia, the Ivory Coast, Ethiopia, Malaysia, the Soviet Union, and Zaire. Economic inducements included extending credit, forgiving loans, and making trade concessions" (Thompson 2009:61). Saddam Hussein had become a threat to USA national interests in the Middle East which was mainly about cheap oil. But it was not only about USA national interests which Hussein had threatened by invading Kuwait. As Kenneth Vaux put it, "Western vital interests were at stake: Stability in the region, continued affordable oil prices, protection of the American way of life" [his italics] (Vaux 1992:25). Even though Iraq withdrew from Kuwait, devastating economic sanctions remained. The interest of the USA and her Western allies was in the removal of Saddam Hussein from political office at the expense of "hundreds of thousands of Iraq lives" (Rai 2003:8-9). As can be seen, the pursuit of national interests does not take into account the consequences of economic sanctions to innocent lives. Furthermore, the Iraq case demonstrated the leverage the United States has on the operations of the UN since the former is the host state and the major contributor to UN budgetary needs. The old adage that he who pays the piper seems to hold sway in this context.

### ***2.4.3 The Example of Zimbabwe***

Sometimes economic sanctions have helped target countries to collaborate in order to protect their national interests. Mediel Hove and Heather Chingono (2013:14) observe that, "National interests have rendered economic sanctions ineffective as a coercive diplomatic tool because like globalisation they foster the phenomenon of interdependence which enables sanctioned countries to 'survive' through trade, cooperation and financial support from sympathiser countries opposed to the imposed sanctions". These authors went on to say that,

In Zimbabwe the ten plus years old sanctions did not lead to the intended quick political resolution. ...China is and has been instrumental in restraining the effects the sanction on Burma, North Korea, Iran and Zimbabwe. China therefore served as an economic and technological messiah. The imposition of sanctions was unlikely to cause positive behavioural changes to Burma, Zimbabwe and Iran. The sanctions surely led to the continued suffering of the civilians in the sanctioned countries (Hove & Chingono 2013:14).

It is scarcely surprising that the pursuit of national interests has on several occasions rendered sanctions ineffectual to bring about government change of policy. What sanctions achieved in the case of Zimbabwe was to cause an unprecedented humanitarian crisis that had never before been experienced in that country's history. The same can be said in the case of Cuba, Burma, North Korea and Iran. In this regard, as will be shown in this study, because of the pursuit of national interests, economic sanctions is a strong and indisputable example that shows that nations do not take moral or ethical considerations in their behaviour towards each other. The final rationale to be considered in this study for the imposition of economic sanctions against the target State(s) which is closely related to the theory of national interests is known as the theory of motivation behind the imposition of economic sanctions against the target state.

## **2.5 The Utility Economic Sanctions as an Instrument of Foreign Policy**

When economic sanctions are imposed on the target state or States, the question that arises is: what are the motivating factors that drive the sender countries to send sanctions against the target State(s)? While I will not go into an in-depth discussion on this question, my main concern in this section is to give a synthetic discussion of the main motives for the imposition of economic sanctions on the target state. Since economic sanctions constitute an interference or violation of the sovereignty of a target state, it can be deduced that economic sanctions are intended to enforce the change of policy in the target state. Instead of using military force, sender countries use economic sanctions for specific purposes. Gary Clyde Hufbauer, Jeffrey J. Schott and Kimberly Ann Elliott identified three sources of motivation that drive the sender countries whenever they impose economic sanctions against the target state. The first source of motivation for senders which they identified is that economic sanctions serve as a *Demonstration of resolve* [my italics]. They write:

This is particularly true for the United States, which frequently has deployed sanctions to try to assert its leadership in world affairs. US presidents seemingly feel compelled to dramatize their opposition to foreign misdeeds, even when the likelihood of changing behaviour in the target country seems remote. In these cases sanctions often are imposed because the cost of inaction – in lost confidence

at home and abroad in the ability or willingness of the US to act – is often expected by the international community – to demonstrate moral outrage and to reassure its allies that the United States will stand by its international commitments. The impact of such moral and psychological factors on the decision to impose sanctions should not be underestimated, even if it is hard to document (Hufbauer, Schott & Elliott 1990: 38).

In the light of the above motivation, these authors are saying that economic sanctions are used by powerful countries, the US in particular as a way of demonstrating its global hegemony by treating other sovereign countries in a way that is similar to how a big brother treats a delinquent young brother.

### ***2.5.1 Demonstration of Resolve to Impose Economic Sanctions***

By resorting to economic sanctions, the US demonstrates its power within its own territory and in foreign territories about its invincibility. Regardless of the inefficacy of these economic sanctions on the sender state, the main idea is to show to the whole world that it is ultimately in charge of the international affairs. Through economic sanctions the US shows to the whole world that what is permissible and impermissible is determined by its ability to act. When the US imposes sanctions, it does so in a way that is intended to demonstrate to the whole world in practical terms that it is ultimately has the imperial power for the whole world. As the world imperial power, the US has demonstrated through its unilateral imposition of sanctions that it was the sovereign authority that rules the whole world.

### ***2.5.2 Sanctions as a Tool for Deterrence***

The second source of motivation for the sender(s) which is stated by these authors is that sanctions serve as a tool for *Deterrence* [my italics] which is the “frequently cited reason for sanctions: supposedly a sender country can discourage future objectionable policies by increasing the associated costs. Two recent cases (*United States v. USSR* over Afghanistan from 1980 forward and the *United States v. Libya* over terrorism from 1978 forward) suggest that it is difficult, if not impossible, to determine whether sanctions are an effective deterrent” (Hufbauer et al. 1990: 10). These authors doubt the efficacy of economic sanctions as a policy tool for deterrence against the wayward behaviour of the target State(s). Put another way, economic sanctions are regarded as having failed as a tool for deterrence with specific reference to examples of US and USSR over Afghanistan and the US’s sanctions against Libya. Other scholars have argued that economic sanctions have not been an effective tool for deterrence because their efficacy is

compromised when the target state is not economically dependent on foreign markets. This is the argument that was made by Margaret Doxey when she said:

Vulnerability to economic sanctions is a function of dependence on external supplies of goods or capital and on external markets for domestic products, and to some extent a potential target of sanctions can act in advance to minimise their impact. Rhodesia was warned in October 1964 that UDI would mean British sanctions, and this gave all sectors of the economy a full year to plan and strengthen their defences ... The Republic of South Africa has had more than thirty years to work towards self-sufficiency. Typical advance action to reduce the effect of trade embargoes includes stockpiling; the development of alternative sources of supply; the stimulation and diversification of domestic production; control of strategic resources; and the development of industrial substitutes. Conservation of foreign exchange is an obvious strategy; improved and diversified transportation systems may be developed to reduce dependence on one outlet. In the wider sphere of inter-state economic relations, new links can be forged through trade agreements and other marketing arrangements. ... The effects of sanctions can be countered by adaptation, reduction of external dependence, and possibly the development of new links with non-sanctioning States (Doxey 1987:110–111).

An argument such as that of Doxey as stated above punches holes in the argument that economic sanctions serve as a deterrence tool against policies of those States that violate internationally accepted foreign policy norms. Two factors that militate against the deterrence effect of sanctions are: reduction or minimisation of economic dependency, and establishment of relations with those countries that are not part of the sanctioning States. The availability of alternatives renders the deterrent effect of economic sanctions ineffectual. While the deterrent argument is mostly believed by supporters of economic sanctions or senders, the failure of economic sanctions is more overwhelming, to such an extent that one questions whether there was any moral consideration among the senders of economic sanctions. The deterrence motive seems to dominate the rationale of senders as well as their supporters. As we shall see later on, the UN Charter implied that the rationale of economic sanctions was based mainly on the belief that they have a deterrent effect on the would-be transgressors of international norms. The deterrent effect of economic sanctions is rather dogmatically believed in, regardless of the abundance of empirical evidence of their failure throughout history.

### ***2.5.3 Sanctions as Surrogate for Other Measures***

The third motive that was observed by Hufbauer et al. (1990) is that economic sanctions *are used as a surrogate for other measures* [my italics] (Hufbauer et al.1990:10). To put it differently, economic sanctions are used on the place of other measures that are supposed to be used against

the target state or that they are a substitute in the place of another punitive measure which is at the disposal of the sender State(s). As the above authors put it:

More extreme measures, such as covert action or military measures, may be excessive. Sanctions provide a popular middle road: they add ‘teeth’ to international diplomacy – even if the bark is worse than the bite. In a sense, the imposition of sanctions conveys a triple signal: to the target country it says the sender does not condone your actions; to allies, it says that words will be supported with deeds; to domestic audiences it says the sender’s government will act to safeguard the nation’s vital interests” (Hufbauer et al.1990:10–11).

The idea of using economic sanctions as surrogate to military confrontation is usually motivated by the need to protect national interests of the sender State(s) – inflicting maximum harm on the target state without necessarily harming the sender(s)’ national interests such as preservation of the lives of the citizens of the sender State(s). For example, if the sender were to send its forces to attack the target state, the possibility of the sender state to incur some loss of lives in the process is real. The very idea that economic sanctions are used for surrogate purposes implies that they are used for self-serving purposes by the sender State(s). Understanding economic sanctions as another form of coercion against the target state is similar to the understanding of economic sanctions as a surrogate for other measures. Daniel Drezner made an observation that shows this similarity as follows: “States will use economic coercion when the costs of military intervention are too great” (Drezner 1999:14).

In other words, economic sanctions are a substitute for war. Through economic sanctions, the sender is supposedly expected to achieve foreign policy enforcement on the target state. Hufbauer et al. (1990:11) went on to say that economic sanctions function in a way that is similar to the functioning of criminal law, whereby the purpose of criminal law is “to punish, to deter, and to rehabilitate” the offending state. As they put it: “Countries that impose sanctions, like States that incarcerate criminals, may find their hopes of rehabilitation unrealised, but they may be quite satisfied which whatever punishment and deterrence are accomplished” (Hufbauer et al.1990:11). In other words, the imposition of sanctions on the target State(s) is not an automatic guarantee for success or rehabilitation of the offending State(s). The issue of whether economic sanctions have succeeded as a tool for rehabilitation of offending State(s) is integral to the scope of this study, as will be shown in the following chapters.

## 2.6 Conclusion

In this chapter I have shown the prevalent or primary rationale behind the conceptualisation of economic sanctions. The first rationale behind economic sanctions that was discussed was that of the game theoretical approach. The traditional understanding of sanctions has been predominantly based on the idea that the intention of economic sanctions is to bring about policy change on the target state by imposing economically harmful sanctions on the target state. William Kaempfer and Anton Lowenberg described this view as “the instrumental theory” of economic sanctions (Kaempfer & Lowenberg 2017:786). Another rationale that was identified behind the imposition of economic sanctions comes from the belief that they help errant States to adhere to international law within their sovereign territories. The rationale that is given for the deployment of economic sanctions against the target state is usually presented as a mechanism for the protection of human rights in the target state. Both comprehensive and smart sanctions are rationalised on the basis that it is the only way of protecting human rights against the abuses of the citizens within the target state. The idea of human rights is presumed to be pivotal to international law. Regardless of cultural and historical differences, all countries of the world are presumed to support the idea of human rights. It was also argued that sometimes economic sanctions are imposed on the target state for self-interested motives. The pursuit of national interest through sanctions is not done in a way that is consistent. For example, some countries have violated human rights with impunity without having economic sanctions being imposed on them. Here, what comes to mind are Saudi Arabia and Israel, to mention only a few. When sanctions are imposed on the target country on the basis of national interest, they serve the selfish purposes of the sender. For example, the US sanctions against Cuba were mainly punitive against Fidel Castro, who was pro-socialist economic policies, as opposed to the Batista regime, which was pro-capitalist. I have also shown that some countries such as China have provided economic support to some of those countries that are on economic sanctions.

Lastly, I identified three sources of motivation that drive the sender countries whenever they impose economic sanctions against the target state. These three sources of motivation are: (i) demonstration of resolve, (ii) deterrence and the idea that sanctions are (iii) surrogates of other measures. According to Hufbauer et al. (1990), these sources of motivation imply that economic sanctions should be seen as analogous to the criminal justice system in the sense that just like the

criminal justice system, the functioning of criminal law is to punish, to deter, and to rehabilitate the offending state. It was deduced from these sources of motivation that economic sanctions are an exercise in power relations in the realm of foreign policy. But what has remained as an open-ended question is whether economic sanctions have succeeded as a tool for rehabilitation of the offending State(s). For us to answer this question I think it is imperative for me to give a brief historical discussion on the evolution of economic sanctions in chapter three.

## **CHAPTER 3: A HISTORICAL OVERVIEW OF ECONOMIC SANCTIONS IN THE UNITED NATIONS**

### **3.1 Introduction**

The end of the Second World War gave rise to the formation of the United Nations as a multilateral organisation for all independent states. The main purpose behind the founding of the UN was to avert the political situation that had led to the rise of the Second World War and to ensure that it would not recur. Thus the formation of the UN had the promotion of peace and security for the whole world as its main goal or primary objective. After the formation of the UN, other organs were also formed with the intention that they would assist the UN to realise its mission of safeguarding peace and security in the world. Related to this primary motive was the belief that military force was not a good method of promoting peace and security globally because the major lesson that was learnt from the Second World War was that war will always lead to destruction of human lives and has the tendency of escalating itself in a way that surpasses the anticipated objectives for this global undertaking. Because of the Second World War, millions of human lives that included those of soldiers and civilians were lost. It was not only the loss of human lives; many economies and livelihoods were ruined. The formation of a multilateral organisation such as the UN was also based on the belief that all the independent nations of the world needed to live under some shared political and economic values that would be regarded as binding to all member states.

The United Nations was preceded by the League of Nations. The League of Nations was mainly composed of European countries with the specific goal of aiding each other militarily against any form of aggression from without their borders. Most of those countries from Asia, Africa and Latin America were not members of the League of Nations. The League of Nations was mainly Eurocentric in the sense that it was mainly concerned with European political and security issues. In this regard, the League of Nations was primarily preoccupied with the idea of countering the threat of war in Europe. The name “United Nations” was used in the Declaration by the United Nations in 1942 and was later on adopted unanimously at the San Francisco Conference on 25 April 1945 (see Osmańczyk 1990:946). The UN Charter states succinctly that the UN is “based on the principle of the sovereign equality of all its Members” (Article 2.1). The implication of this principle is that all members of the UN are to treat each other as equals. The recognition of each

other as equally sovereign implies that member states of the UN are supposed to desist from segregating or looking down upon each other. The concept of sovereignty conferred the power for each state to be the sole authority within its own territory. This concept also implies that no state should interfere in the domestic affairs of another sovereign state.

As has been noted in chapter 2, economic sanctions do violate the idea of sovereignty in the sense that economic sanctions are usually imposed by other states or external organisations with the aim of changing the foreign policy of another sovereign state. Economic sanctions are thus a foreign policy tool that shows that states do interfere in each other's internal affairs. From the time of the League of Nations era to the formation of the UN, economic sanctions have been used not only as a substitute for armed conflict, but as a tool that is used by powerful countries to stamp their power on economically weak countries. The United Nations Security Council (UNSC) became the organ responsible for the maintenance of peace and security in the world and it made recourse to economic sanctions as its primary mechanism for the enforcement of peace and security globally. Through Chapter VI, the UNSC makes recommendations, but under Chapter VII, it gives binding resolutions. Economic sanctions were aimed at enforcing behaviour modification of the target state without resorting to military intervention. Regardless of the fact that economic sanctions have failed to bring about foreign policy change against the target states, as we shall see in the following chapters, powerful countries have continued to resort to the imposition of economic sanctions on poor countries. This chapter comprises of three sections. The first section briefly discusses the evolution of the UN economic sanctions in the modern political arena. In the second section my focus will be on the instrumental value of economic sanctions in the UN. The third section will demonstrate that economic sanctions have been used by the UN as a foreign policy tool that was often resorted to in order to resolve international conflicts.

### **3.2 The evolution of the United Nations economic sanctions in the modern political arena**

The idea of international sanctions did not originate with the founding of the United Nations after the Second World War. Edmund Jan Osmańczyk observes that “[t]he term ‘sanctions’ was introduced by the Versailles Treaty to denote two things: in art. 16 as means of exerting pressure; in arts. 227–230 as punishment of war criminals; art. 16 referred to all members of the League of Nations violating commitments undertaken and provided for in the League's Pact. Art. 16 was generally interpreted by the founders of the League of Nations in such a way that the military

sanctions provided for in the Treaty were of facultative character; however, economic and financial sanctions were compulsory” (Osmańczyk 1990:789). Since the League of Nations was mainly composed of European countries to the exclusion of non-European states, there was some opposition on when to impose economic sanctions and when not to do so. Joy Gordon observes that before World War I “sanctions were understood as economic warfare, and as such they fell under the rules of war. When the League of Nations was formed, the drafters of the League’s Covenant reframed economic sanctions as the alternative to war, a ‘peaceful’ instrument of international diplomacy that could effectively prevent military aggression. In the end, economic sanctions were described in odd, paradoxical terms” (Gordon 1999:138). Here it is important to note that the imposition of economic sanctions on the basis of the pursuit of national interests was already dominating the international political scene of the League of Nations. For example, the League of Nations never applied military action against any member state which was a violator of the League’s pact. In 1935 the League of Nations adopted the measure of economic sanctions against Italy as a punitive measure against its unprovoked aggression against Ethiopia. Those sanctions were opposed by France and Britain. “On May 9, 1936 Italy occupied Ethiopia, a fact which according to the interpretation of other member states made the League sanctions pointless” (Gordon 1999:138).

The reason behind France and Britain’s opposition to economic sanctions against Italy can find a plausible explanation only in the fact that these two countries were colonial powers which had invaded and occupied many countries in Africa and other parts of the world. For these colonial powers, condemning Italy for the same practice in which they were world leaders would have been tantamount to practising hypocrisy. As Osmańczyk observes: “In turn, on July 24, 1938 the foreign ministers of Belgium, Denmark, Finland, Luxembourg, the Netherlands, Norway and Sweden meeting in Copenhagen stated that ... the sanctions system of the League of Nations in current condition and as a result of practice used in the past years ha[d] received a non-obligatory character; in our opinion this non-obligatory character of sanctions shall spread to include not only a particular group of States, but all member States of the League of Nations; we are convinced that explicit ascertainment of this right to free assessment is in the interest of the League of Nations itself” (Osmańczyk 1990:789). In light of the above citation, the whole idea of economic sanctions was not binding on those members of the League of Nations who were superpowers. In this regard,

from the very beginning, the idea of economic sanctions was connected with the exercise of power by powerful states over weaker member states of the international community.

Lance Davis and Stanley Engerman recognised the use of economic sanctions by powerful countries against the weaker member states during the League of Nations era. This was a practice by means of which powerful countries bullied weaker states through the imposition of economic sanctions against them. Here it can be deduced that the use of economic sanctions was also related to the exercise of economic power over the poor states. One can only presume that poor states were expected by powerful states to behave in a way that was desirable. Failure to do so led only to incurring the wrath of powerful countries which then used economic sanctions as a foreign policy tool to enforce behaviour modification on poor states. This practise of using economic sanctions against poor countries was succinctly described by Davis and Engerman:

From 1827 until the outbreak of the World War I, 21 pacific blockades were deployed. They were generally mounted by powerful European states against smaller nations in Europe and emerging nations in Latin America and Asia. The list of targeted states included Turkey in 1827; Portugal in 1831; Holland in 1832-1833; Colombia in 1834; Panama in 1837; Mexico in 1838; Argentina in 1838-1840 ... Almost without exception, the targeted countries were small and underdeveloped. In contrast, the list of targeting countries included Britain (twelve times), France (eleven times), Italy and Germany (three times each), [and] Russia and Austria (twice each). Clearly, the great powers had found a weapon that they thought cost-effective. Indeed, a great power would often act alone, and only seven of the 21 pacific blockades between 1827 and 1903 drew support from more than a single country (Davis & Engerman 2003:188–189).

Before the formation of the League of Nations, it appears that the idea of imposing trade embargoes on small countries was applied by powerful nations solely against weaker nations. However, coming back to the decision of Britain and France's refusal to impose economic sanctions against Italy's aggression on Ethiopia, this strongly reinforces the idea that the League of Nations was dominated by the powerful countries. As such, it can be deduced that economic sanctions were used as a tool whereby the economically powerful states enforced their will on the economically weaker states of the international community. Davis and Engerman went on to say that with the formation of the United Nations, the implementation of economic sanctions became the preserve of the United Nations even though individual states were at liberty to apply such punitive measures unilaterally. However, from 1960 to 1990, "the majority of sanctions were imposed unilaterally, most frequently by the United States; but in the 1990s, a large fraction were imposed by intergovernmental coalitions. The countries of Western Europe, especially the United Kingdom,

are playing a more active role, but these coalitions usually included, if they were not originated by, the United States” (Davis & Engerman 2003:189–190). The observation of Davis and Engerman is very crucial because the United States and Western Europe have always been close allies politically, economically and militarily within the United Nations. When the USA targets a particular country with economic sanctions, the whole of the European bloc has always followed the example of the USA in imposing sanctions on the chosen USA target state for economic sanctions. In this way, the USA and Europe use sanctions in pursuit of their shared national interests and not necessarily for the interest of the United Nations as a multilateral organisation. The USA and her European alliances or NATO do, however, still dominate the world in imposing sanctions against those countries that are deemed to be hostile to their political and economic interests. One can legitimately say that economic sanctions are an expression of power and prestige among the targeting powers on a target state. This is a manifestation of power dynamics. The Germany sociologist, Max Weber, captured this power dynamic as follows:

The prestige of power, as such, means in practice the glory of power over other communities; it means the expansion of power, though not always by way of incorporation or subject. The big political communities are the natural exponents of such pretensions to prestige. Every political structure naturally prefers to have weak rather than strong neighbours. ... Among a plurality of co-existing polities, some, the Great Powers, usually ascribe to themselves and usurp an interest in political and economic processes over a wide orbit. Today such orbits encompass the whole surface of the planet. The general reason for ‘power dynamics’ *per se*, the Great Powers are very often expansive powers; that is, there are associations aiming at expanding the territories of their respective political communities by the use or the threat of force or by both. ... Their attitude in this respect often changes, and in these changes economic factors play a weighty part (Weber 2009:160–161).

The issue of power dynamics among states which is alluded to by Weber cannot be trivialised because it is at the very heart of the rationale behind the imposition of economic sanctions on target states as a way of subduing them, despite the usually made claim to the contrary by powerful countries. In our contemporary times, economic sanctions and military invasions have been undertaken by the USA and her European allies for access to control of the production of oil in the Arab world. It is not about the spread of good governance and the promotion of human rights. While I will come to this point later on, in the following section my focus is on the use of economic sanctions in the UN. My aim, as will be shown in the following section, is to provide a synoptic view of the anticipated objectives which the UN deemed to be served by economic sanctions in their various types.

### **3.3 Economic Sanctions and their Instrumental Value in the UN**

#### ***3.3.1 Inflicting Maximum Harm***

In the contemporary categorisations of sanctions, Edmund Jan Osmańczyk made the following observation, “International sanctions are divided into political, economic and military sanctions. Political sanctions include severance of diplomatic relations, suspension of expulsion of a state from the UN or other governmental organisations. Economic sanctions or trade sanctions may involve the total severance of all economic and financial relations or selected embargoes on imports or export, boycotts or blockade” (Osmańczyk 1990:789). The rationale behind this standard understanding of economic sanctions is to inflict maximum harm to the target state as a totality or indiscriminately. It is not the leaders or policy makers of the target country who are the primary casualties of economic sanctions; rather, the whole populace of the target state is severely affected by economic sanctions. As Maria Bengtsson puts it,: “A characteristic of economic sanctions is that they are designed to cause economic harm to another state. They resemble as well to war, because both types are used to harm another state in order to make them change their policy or behaviour.

The basic idea is that the burden of economic hardship will become intolerable to the people of the targeted state, who in return will pressure the leaders to change the policies” (Bengtsson 2002:14). The observation made by Bengtsson is that the UN’s understanding of economic sanctions is that they are a mechanism that is used to force the target state to change its policy or a means of enforcing behaviour modification on the target state. However, the problem that arises from an understanding of economic sanctions as stated above is the comparison between economic sanctions and war. In a situation of war, there is a deliberate discrimination between the soldiers and the other security apparatus as well as the civilians within the target state. Economic sanctions do not discriminate between policy makers, the securocrats and the civilians, because the whole country is punished in a collateral manner. It is for this reason that many scholars have described economic sanctions as the most inhumane manner employed when resolving international conflicts or disagreements. The examples that have been chosen in this study to illustrate the effects of economic sanctions will be empirical evidence in support of the inhumane nature of economic sanctions.

It cannot go without saying that Bengtsson's position on economic sanctions is somewhat ambivalent. This ambivalence comes out clearly when she says: "In contrast to modern warfare, economic sanctions offer a theoretical possibility for international society to act without any bloodshed. Sanctions have been seen as more humane than military intervention, because they aren't suppose [sic] to bring about any internal political costs if they should fail. Another reason for the rising popularity for sanctions in the 1990s is the development of the international economy" (Bengtsson 2002:16). There are two arguments I should like to raise against Bengtsson's position on efficacy economic sanctions. The first argument is that economic sanctions inflict collateral damage because of their indiscriminate nature. The innocent and culprits are exposed to the same fate of economic hardship. In a situation of warfare or armed conflict, the principle of discrimination between civilians and soldiers is upheld as a binding ethical principle to be observes by all sides to the armed conflict. That is why it is part of the military rules of combat that bind all sides to the conflict that any side in the conflict that kills civilians is considered to have violated international law and is possibly liable to face charges of crimes against humanity. On the other hand, economic sanctions do not discriminate when it comes to inflicting harm to all civilians in the target state. Those who die as a result of economic sanctions are not accounted for by the senders. My second argument is that economic sanctions are advantageous only to the sender and not to the target state. In most cases, as we shall see in the case studies that have been selected for examination in this dissertation, those who are directly affected by economic sanctions are the general populace of the target state. Thus sender states are not usually concerned with the economic wellbeing of the citizens of the target state(s). In this regard, foreign sanctions are a foreign policy tool that is used for the promotion of particular national interest of the sender states.

### ***3.3.2 UN Collective Security System***

The modern understanding of economic sanctions is undoubtedly based on the UN Collective Security system as stipulated in the UN Charter. The philosophy behind the UN Collective Security system is based on the presumption that issues of peace and security should be understood as the responsibility of all nations, regional organisations, and multilateral organisations of the world. In the UN Charter member states are exhorted to desist from using military force against each other. This exhortation is mainly buttressed on the understanding that UN member states are sovereign entities who have the right to determine their own domestic and foreign policies without external

interference. For example, Article 2(4) of the UN Charter states that “[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purpose of the United Nations”. The spirit of this article is that member states should always thrive towards the promotion of peaceful or harmonious co-existence. This ethos of promoting peaceful and harmonious co-existence is attainable only through mutual recognition of the inherent dignity of each member state as a sovereign. Article 41 of Chapter VII states: “The Security Council may decide what measures not involving the use of armed forces are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include *complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations* [my italics]”. The presumption behind this article is that sanctions are more humane than the use of military force on the target state. It is also not clear as to who are expected to be the victims of those sanctions. In the case that sanctions have failed to achieve their intended objective, it is stated in Article 42: “Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations”. In Chapter VII it can be deduced that the aim of sanctions against the target state was to promote peace and security of the world against those countries which are deemed to be aggressors.

In Chapter VII of the UN Charter, the imposition of economic sanctions against the target state or aggressor to international peace and security was presented as the responsibility of all members of the United Nations. In this regard, Chapter VII is understood as concerned more with promoting Collective Security among all member states of the UN. However, the main superpowers, which were then the USSR and the USA, competed for world dominance outside the United Nations and its organs. Economic sanctions were not deemed effective to promote peace and security in the world. Filippo Andreatta observes: “The only article in Chapter VII which was widely used between 1945 and 1988 was Article 51, which expressed the right of individual and collective self-defence and which therefore somehow contradicted the collective security spirit of the Charter” (Andreatta 1996:149). Because of the arms race during the time of the world bipolar power

competition, sanctions were not used for collective security purposes, but rather for the promotion of the national interests of the two world superpowers. In most cases, economic sanctions have never been used as a tool to foster collective security as envisaged in Chapter VII of the UN Charter.

#### ***3.3.4 Effectiveness of Economic Sanctions***

Nonetheless, in order to consider the effectiveness of economic sanctions, the various possible purposes of UN economic sanctions may need to be understood. The rationale behind sanctions rests upon: coercion, punishment, and symbolism. Often systems of sanctions have more than one underlying purpose (Hufbauer et al. 2007). Coercive economic sanctions are imposed in order to force the target state(s) to amend their behaviour. The intended coercive effect of sanctions within the UN framework was to force the target state away from breaching international peace and security. The UN charter gave the UNSC the power to declare the imposition of economic sanctions for the purpose of maintaining or restoring international peace. Reinisch, 2001 Barber (1979) stated that “sanctions being applied at first appeared as if they ha[d] a clear objective relating to changing the behaviour of the government against whom they were directed, hence reflecting UN behaviour. UNSC resolutions sited coercive sanctions [as the] reason for the invocation of economic sanctions and this caused the generally accepted purpose and emphasis of such sanctions as a modifying behaviour” (Barber (1979)). In this regard, the objective of the imposed sanctions does not lead to the desired behaviour modification as professed in the declared resolutions.

Sanctions that were imposed on Libya required states to maintain economic sanctions until the UNSC determined the Libyan government had committed to cease all forms of assistance in terrorist activities. Resolution 841 was passed in order to set a measure which it said it would be put in place if attempts undertaken by the UN special envoy for Haiti and the organisation of American states to establish a political dialogue with the Haitian parties failed. The scenarios show that the UN economic sanctions were adopted for coercive purposes. In contrast, economic sanctions against Iraq were on their face coercive in that they were stated to be for the purpose of forcing Iraq to withdraw from Kuwait, which it had invaded (Resolution 661, 1990). Following its withdrawal from Kuwait, economic sanctions against Iraq remained in place. In order for an economic sanctions regime to have the power to force changes, the economic sanctions imposed

must have a detrimental effect on the target such that it perceives such detriment to outweigh the benefits it used to get as result of the undesired behaviour that led to the imposition of sanctions. Economic sanctions are inherently punitive (Foran 2008). The belief of the punitive function of economic sanctions was also reflected in the US foreign policy approach, where, if diplomacy failed to bring about a favourable outcome, it used crippling sanctions (Reid 2009). Economic sanctions as the provision for reparations by Germany were contained in the Treaty of Versailles following World War 1. In the treaty, Germany accepted responsibility for causing loss and damage to the allied countries and their nationals and agreed to make compensation for the damage to the civilian population of the allies and associated states and to their property. Abi-Saab states that UN Economic sanctions are based on a ‘finding’ of wrongdoing by the UNSC, which would be consistent with sanctions having a punitive function. Al-Anbari described the invocation of UN economic sanctions under Articles 39 and 41 of the UN Charter as ‘the equivalent to a judgment’. Punitive sanctions were imposed on Iraq.

### ***3.3.5 Point Utilitarian Calculation of Profit***

Sometimes scholars such as Kaempfer and Lowenberg (1988; 2007) have interpreted economic sanctions on the basis of the interest group theory, which says that international relations are basically an outcome of interests groups that exist in both the sender country and the target country. In this regard, the effects of economic sanctions are analysed in a way that is analogous to the behaviour of individuals within a free market economic system. While the states are deemed to be the main players, it is the interest groups which ultimately influence the foreign policy made by senders and targets. Interest groups are responsible for exerting pressure on their respective states. William Kaempfer and Anton Lowenberg observes the role of interest groups in the imposition of economic sanctions as follows:

In general, however, political pressure for economic sanctions will arise not only because of the income effects of sanctions in terms of increased consumption opportunities for members of certain interest groups, but also because of utility-enhancing attributes of the sanctions themselves. That is, sanctions may be considered a public good (or bad) that directly contributes to individual utility (or disutility) by allowing individuals the satisfaction (or dissatisfaction) of experiencing their nation engaged in a foreign policy toward a certain goal. Some individuals might perceive their contributions to the sanctions policy as private goods, so that, in effect, sanctions jointly provide both public and private good attributes (Keampfer & Lowenberg 2007:883).

In the light of the above quotation, it can be deduced that economic sanctions are portrayed as fulfilling some utilities in different interest groups. The utility that can be derived from the imposition of economic sanctions can be either good or bad, depending on what economic sanctions contribute to the respective interest group's social standing. For example, an interest group in the sender country that specialises in arms manufacturing and trade will favour the imposition of economic sanctions against a target state that has an interest group that specialises in the manufacture of arms and trade. Some interest groups may favour economic sanctions on moral grounds – for example, supporting economic sanctions as a vehicle of their disapproval of what may be perceived as inhumane policies of the target state. From this game theoretical conceptualisation of economic sanctions, emphasis is put on the utility which is derived from economic sanctions by different interest groups in the sender state and target state. The game theoretical analysis of economic sanctions is based on the liberal economic theory of methodological individualism. We have seen this commitment to methodological individualism in chapter two, when Golliard said that national governments do listen to interest groups on matters of foreign policy whereby pressures that are exerted on both sender and target states “are the results of private utility maximisation from individual members of interest groups” (Golliard 2013:45). In chapter two I argued that this conceptualisation of economic sanctions presumes that utility maximisation is a common factor that is found in both the sender and target states.

The game theoretical approach on the conceptualisation of economic sanctions in respect of the premise of utility maximisation was well stated by Daniel Drezner as follows:

There are two ways to formalize the conflict expectations model. The first is to assume that states are egoistic utility-maximizers with an expectation of a future dispute where the outcome depends on relative capabilities. The second is to create a reduced-form utility function, incorporating the conflict expectations into the actors' utility functions in the form of a concern for relative gains (Drezner 1999:35).

In other words, economic sanctions are based on a utilitarian calculation of profit and loss aimed at determining the impact of sanctions on the sender as well as the target states. Drezner went on to allege that states will resort to economic sanctions when it has been determined that military action would be too costly (Drezner 1999:15). Such a deduction is done mathematically. In this game theoretical assumption about economic sanctions, states are postulated as rational actors who “are concerned about whether their present actions will materially or reputationally affect their

bargaining position in future interactions” (Drezner 1999:53). It is eminently clear that states are portrayed as persons that are endowed with all the human qualities. As he puts it:

While states must care somewhat about the distribution of payoffs in order to threaten economic sanctions, it has a paradoxical effect on the magnitude of the target’s concessions. As conflict expectations increase, the target will be more resistant to concessions, because the sender will benefit from whatever losses it incurs. The sender must reduce its demand in order for the target to prefer acquiescence (Drezner 1999:54).

This game theoretical rationale about economic sanctions presupposes that when sanctions are imposed on the target state, the behaviour of the target state is predictable to the sender. In other words, there are expected outcomes by the sender(s).

### ***3.3.6 Game Theory Rationale***

Drezner argued against the domestic politics approach in support of a game theoretical approach to economic sanctions whereby senders and targets of sanctions strategies on the basis of the anticipated future conflicts. In this regard, economic sanctions are used as a tool for coercion. He writes:

Therefore, states will use economic coercion when the costs of military intervention are too great. If the target is physically distant, power projection becomes a more difficult enterprise, and sanctions are therefore likely. Two predictions can also be made about the likelihood of sanctions success. First, if the target government is domestically unstable, it may lack the means to convert a sanctions dispute into political support. Such a government would be more likely to acquiesce so as to hold on to power, or be removed in favour of those who prefer accommodation. Second, if target elites are made to suffer as much as target populations, there is no opportunity for rent-seeking, which puts elite pressure on the target government to concede (Drezner 1999:14–15).

Drezner’s game theoretical approach to sanctions is rather problematic in the sense that history is replete with examples where target states have survived economic sanctions rather than what would have been the case if they had been subjected to military invasion. Also, the problem with a game theoretical analysis of economic sanctions arises from the fact that it is based mostly on speculation because of the adopted mathematical paradigm whereby intervening factors are usually discriminated against in the analysis on the basis that they are variables. The main aim in this game theoretical approach to economic sanctions is to predict the outcome. For example, Drezner would go as far as to say that “the statistical [analyses] of sanctions outcomes support the conflict expectations model and reject other system-level explanations. The target’s opportunity costs of deadlock, the sender’s opportunity costs of deadlock, and the prior relationship between the two countries trend in the predicted directions and in all but two instances are statistically significant”

(Drezner 1999:73). Sometimes economic sanctions are known to hurt the sender economically more than the target state in the sense that the revenue that was accrued from trading with the target state prior to economic sanctions is lost.

According to the conflict expectations model which is presented by Drezner, it is presumed that senders and targets are strategists which act on the basis of strategies that can advance their national interests in each given situation. According to Drezner: “In game theory, a complete strategy must provide instructions for a player at each of its decision nodes. A subgame perfect equilibrium strategy must provide the player with an incentive-compatible decision at every choice node, even if that choice is off the equilibrium path. In other words, if one of the players makes a mistake, and both players find themselves at a point in the game that is unexpected, the players still pursue a rational course of action” (Drezner 1999:82–83). The belief in this given scenario is that all players in the game of economic sanctions are rational. However, an example that will succeed in showing that both sender and target acted irrationally in the game of economic sanctions will undermine such a presumption. As we shall see in the case studies that are provided in this study, economic sanctions against Cuba, Iraq and Zimbabwe have proved to have been disastrous from a humanitarian perspective in the sense that they have resulted in untold human suffering – thus inflicting harm to those people who were supposed to have been helped by economic sanctions. In most cases, the target state is sanctioned for policies that grossly violate human rights, and the sender states sometimes perpetuate this gross violation of human rights by imposing economic hardships upon the innocent citizens of the target state.

Apart from the game theoretical approach to economic sanctions which is rather speculative, another dominant belief in economic sanctions is based on the idea that they are an effective foreign policy tool that can help in the promotion of human rights. In the UN Charter, all members of the United Nations are required to promote and protect human rights. Countries or regimes that have been accused of failing to do so have had economic sanctions imposed on them as a punitive measure. The promotion and protection of human rights can thus be regarded as the utility of economic sanctions.

### *3.3.7 Human Rights as the Utility of Economic Sanctions*

While economic sanctions have been used for various reasons, one of the popular justifications for them is the promotion and protection of human rights. According to Lawrence Brady: “The utility of economic sanctions is a broad topic, which must be narrowed considerably if we are to make useful statements about sanctions as policies. We cannot generalise about sanctions as though they were all alike and will all have predictable results. In actual fact, there are [sic] an infinite number of possible variants in the conditions under which sanctions might be imposed and in the results they might have” (Brady 1987:297). In this subsection I am deliberately narrowing the utility of economic sanctions to the promotion and protection of human rights. Maria Bengtsson observes:

Today human rights are no longer a matter just for the state; the state answers as well to the international community for their treatment of individuals. The most important concern for the state has been its own survival, not the rights of individuals. Following the realist line, nation states have striven to maintain and strengthen their own power and sovereignty. The national self-interest has efficiently prevented meaningful measures in order to handle crimes against human rights earlier (Bengtsson 2002:35).

What has been problematic in the promotion and protection of human rights are issues such as national self-interest and nation-state sovereignty which have made human rights relative to national self-interest and national sovereignty. In other words, human rights do not have an absolute value. In recent years, the idea of protecting national interest and national sovereignty at the expense of human rights is increasingly coming under attack within the international political terrain. In the light of these developments, Bengtsson went on to observe:

Economic sanctions might therefore be an indicator, among others, that the sovereignty notion is about to change. The states are withering away a bit and this paves [the] way for intergovernmental organisations (IGO) such as the EU and the UN. In the name of human rights, this evolution is positive since IGOs often have extensive human rights programmes, and therefore the state is needed” (Bengtsson 2002:38).

While Bengtsson asserts that “sanctions might be an indicator” of the fact “that the sovereignty notion is about to change”, such an assertion implies that economic sanctions evolved with the UN system. As we have seen in the preceding discussion, economic sanctions existed even prior to the League of Nations.

However, the question of justifying economic sanctions on human rights has been met with a lot of criticism. Some Third World scholars and governments have argued that the notion of human rights derives from the Western philosophy of atomic individualism which was later on imposed

on the rest of the world as the ideal understanding of a person. In this philosophy of atomic individualism, the individual is understood as an isolated entity who is free to pursue his or her interests without any social constraints. It is thus argued that the concept of human rights “was an entirely Euro-centric concept that did not have cultural universalizability” (Chiwenga 2014:64). One finds that post-colonial African legal scholars such as Edson Zvobgo advanced the argument that the UN Declaration of Human Rights in 1948 should be seen as a declaration of atomic individualism, “hence it was something intelligible to the Western ontology of an individual whereby an individual is seen as a ‘separate, isolated, autonomous and self-determining individual, who apart from any social context, is a bearer of human rights’ ” (Zvobgo 1979:90; Chiwenga 2014:64). The point that is being made in such arguments is that human rights are not universal goods. Rather, they are a Eurocentric concept the intelligibility of which should therefore be limited to Western society with regard to Western ideals of a good political society. Such a critique raises the question of the justifiability of economic sanctions on the basis of protecting human rights.

The diversity that inheres in the conceptualisation of human rights was well captured by Milburn Thompson when he argued that this concept was not understood in a homogenous way and that should not be understood loosely. He writes:

Human rights make strong claims. ‘Right’ is not a word to be thrown around loosely. If a person has a right, then the community and other persons have a duty to protect and fulfil that right. Because a right confers an obligation on the community, it is not surprising that various societies have contested the foundation, meaning, and scope of human rights. During the Cold War, each of the three ‘worlds’ was said to emphasize a different aspect of human rights. The First World stressed civil and political rights and the right to private property. The Second World gave priority to social, economic, and cultural rights as prerequisites to civil and political rights. The Third World also emphasised social, economic, and cultural rights, as well as the right to self-determination...These, however, are self-serving, ideological distinctions that have little basis in any sound theory of rights (Thompson 2003:99).

The point which is being made by Thompson is that human rights should not be understood as a homogeneous concept because different parts of the world do attach different aspects to this concept. The capitalistic world attached great importance to the inviolability of the individual and ownership of private property. In this context, the community and the state are understood as being there to protect individual private property. On the other hand, other countries that are socialist have emphasised economic egalitarianism as indispensable to human rights. Previously colonised

and oppressed countries saw human rights in terms of emancipation from cultural and political oppression. If there is no agreement on the meaning of human rights, the idea of imposing economic sanctions on the basis of protecting human rights becomes problematic in the sense that it raises the question as to which type of rights the intended economic sanctions are protecting. This question cannot be answered adequately without an analysis of the role of national self-interests of the sender states and interest groups. For example, it is a general motif in many books on US economic sanctions against Cuba that these sanctions had nothing to do with the protection of human rights in Cuba, but were more motivated by the US national interest in warding off the socialist ideological influence in Latin America. Similarly, economic sanctions against Iraq were not about the promotion and protection of human rights in Iraq and Kuwait, but about the need for cheap oil by US and its NATO allies.

Apart from the relationship between the economic sanctions and human rights, another dominant theme in the UN conceptualisation of economic sanctions is based on foreign policy. Economic sanctions are usually resorted to as a protest against the target state's foreign policy. In other instances, economic sanctions are used as an instrument to advance the national self-interest of the sender state. In such instances, the economic sanctions are imposed in a manner that does not take into account the wellbeing of the citizens of the target state. Proponents of economic sanctions usually argue explicitly and sometimes implicitly that such measures are intended to send a message to the international community that the UN does not condone such-and-such a behaviour from its members. Countries are thus expected to comply with certain approved norms of the international community. Those countries that fail to comply with the UN-approved norms are usually considered outlaws.

### **3.4 Economic Sanctions as Tool for Enforcement of Foreign Policy**

The UN approval of sanctions is based on the presumption that it is a foreign policy measure against an outlaw or rogue state. A state is classified as rogue or outlaw when it wantonly violates human rights and commits war crimes. Adeno Addis observes that "a regime may be designated as an outlaw regime if it engages in massive violations of internationally guaranteed rights of its citizens or when it considers it a sufficiently good reason to use war as a means of advancing what it regards as its national interest. ... Put simply, the outlaw regime is the negation of a fundamental aspect of the identity of the international community, and economic sanctions could be utilised to

mark the outlaw regime” (Addis 2003:605). Here the argument is that an international community with commonly shared political norms exists. The prior existence of this international community makes it imperative that all states should abide by its norms. The imposition of economic sanctions is dovetailed with the belief that they will ultimately lead to behaviour modification of the outlaw regime or errant state. When sanctions are imposed on the target state or outlaw regime, the belief is that as a result of economic hardships the citizens of that outlaw regime will revolt against its rule. This is the view which one finds being articulated by the former Sub-Commission of the UN Commission on Human Rights as it observes, “The ‘theory’ behind economic sanctions is that economic pressure on civilians will translate into pressure on the Government for change. This ‘theory’ is bankrupt both legally and practically, as more and more evidence testifies to the inefficacy of comprehensive economic sanctions as a coercive tool. The traditional calculation of balancing civilian suffering against the desired political effects is giving way to the realisation that the efficacy of a sanctions regime is in inverse proportion to its impact on civilians” (Sub-Commission of CHR, cited in Addis 2003:606).

### **3.5 Legal Considerations Surrounding the Imposition of UN Sanctions**

Since 1990, United Nations has become an essential instrument for multilateral action, with the imposition of trade sanctions on Iraq in resolution 661(1). The Security Council opened a new era in the use of a coercive economic measure as a deterrent tool to violation of international norms. In the late 45 years of United Nation experience, the security council employed sanctions only twice, in the case of Southern Rhodesia (1966) and South Africa (1977) (Cherserman, 2001). Sanctions were imposed to serve a wide range of objectives which include, restoration of democratically elected governments, to prevent aggression, protect human rights, end international civil war and bring terrorist to justice and to counter the threat of international terrorism. The legal authority for the imposition of UN sanctions rests on the provision of Chapter VI of the UN charter, which provides in article 41 that the council may call upon states to impose non-military measure to call for economic interruption of diplomatic relations to protect international peace and conflict (Roberts, 2004). The political thinking behind sanction was to avoid cost of military action moreover providing policy options more forcible than action. Sanctions serve as bargaining dynamics in which the promise of lifting sanctions becomes an incentive to encourage the political concession and corporation. Sanctions preferred as a form of action by the council for various

reasons which comprises of the application of Chapter VII was an acceptable form of council action which permitted great power cooperation as the UN entered the post-cold war era. The fact that the sanctions were imposed mostly against states which were not critical allies of the superpowers made the cooperation feasible. Secondly, unlike the earlier times in which the dynamics of international trade provide benefits in the short run to states subverting embargoes. Sanctions also served as a public indicator that the Security Council was prepared to take action (Wheeler, 2000).

### ***3.5.1 UN Sanctions as Conflict Resolution Mechanism***

The beginning of the Cold War period with South Africa and Southern Rhodesia and continuing today, following the post 9/11 experience with Al Qaeda and the Taliban sanctions are a key strategic tool in the UN efforts to resolve conflict. The question of sanctions application is approached by classifying all 27 mandatory Security Council sanction regimes into conflict types: interstate, intrastate, international norm-breaking states and support to terrorism. All the types of sanctions within each conflict type are analysed for the objectives sought by the council through the application of sanctions measures, the intended target and the measures applied in relation to the sequence compared to other Security Council tools.

Various authors have written about peace keeping and peace enforcement missions employed by the council to tackle conflicts in the world and there is also a wealth of academic literature available on sanctions by Doxey, Hufbauer et al., Cortright and Lopez (2000). The Council applied four different categories of threat to international peace and security ; 1) armed conflict between states; 2) armed conflict within states; 3) international norm breaking states; 4) international terrorism (Charon, 2011). Sanctions have been applied by kings to impose order by warring armies to blockade cities and individuals' states or groups to protest particular actions for example states sanctioned Russia for its invasion of Afghanistan in 1979 (Charon, 2011). These cases treated sanctions more as a tool of punishment, but however the UNSC applied sanctions very differently. Beginning in the Cold War, the first mandatory UN sanctions were applied against South Africa in protest of its policy of apartheid and to prevent future aggression by its neighbouring states. The objectives of the sanctions, were not limited to denouncing the targeted states, but also effect a change in the policies. Cold War politics prevented the creation of mandatory regimes although a number of voluntary sanctions measures were recommended, for example to prevent supplies of

arms and assistance to North Korea in 1950, the council adopted resolution 82, which called on states to refrain from giving assistance to North Korean authorities interpreted by allies of South Korea as a ban of weapons to the North. In the 1960s at the height of decolonisation, the council called on all states to refrain forthwith from offering Portuguese government assistance which would enable repression of the peoples of the territories under its administration and to take measures to prevent the sale and supply of arms and military equipment to Portugal (SCR 180). In 1988 Council adopted resolution 620 in order to curb against the use of chemical weapons in the Iran-Iraq war, it called for states to apply strict controls on the export of chemicals used to make chemical weapons to the parties to the conflict.

After the Cold War the Permanent Five (P5) of the UNSC comprising of USA, United Kingdom, France, Russia and China developed a consensus amongst the members, which enabled the council to respond to more conflicts with more ambitious measures. The 1990s were quickly dubbed the 'sanction decade' (Cortright and Lopez 2000) because the number of mandatory sanctions regime created to address the interstate conflicts, but especially African intrastate wars and several norm-breaking states. The number of mandatory UN sanctions regime jumped from 2 during Cold War to 14 regimes representing a 600 percent increase in the number of mandatory regimes. Indeed the Council's enthusiasm to address conflicts with sanctions was almost its mandate; particularly harsh sanctions applied against Iraq, the Federal Republic of Yugoslavia (FRY or Serbia and Montenegro) and Haiti in 1990s prompted much handwringing and a fundamental re-evaluation of the use of sanctions including the pledge by the P5 to minimize unintended adverse side effects of sanctions and as well as to create an Informal Group on General issues of sanctions.

The UNSC had a number of sanctions tools ranging from rather blunt instruments (comprehensive and unnecessarily damaging measures that cut off all trade into and out of the country in question and they are sometimes referred to as 'dumb' sanctions) to targeted sanctions (focusing on very specific targets including non-state actors like rebel groups or particular commodities like diamonds or timber and even particular regions of a state like North and South Kivu in the Democratic Republic of Congo [DRC]). The latest trend is to focus sanctions on stabilizing states in the post-conflict stage of crises with particular emphasis on improving governance and democratic processes. Further, and despite the efforts of the Council to limit the adverse effects of sanctions, creating the perfect sanctions regime that serves as an ends to immediately resolve a

conflict (preventing the key individuals from receiving crucial commodities or services) remains an ideal only. The Council's adoption of sanctions is always a reaction to dynamic events rather than a means of prevention.

### ***3.5.2 UN Sanctions in the Context of Non-Proliferation***

In contrast to the US government's broad definition of sanctions, the UN defines them narrowly as one of the two coercive measure under Chapter VII of the UN Charter, the other being military force. Article 41 of the UN Charter mentions a variety of measures available to the UN Security Council, including "complete or partial interruption of economic relations and of rail, sea, postal, telegraphic, radio and other means of communication and the severance of diplomatic relations." The invocation of chapter VII is limited to cases in which the UN Security Council determines the existence of any threat to the peace, breach of the peace or act of aggression (Article 39). UN sanctions were rare during the Cold War. Sanctions under Chapter VII were mandated in only two cases: Rhodesia and South Africa. After the end of the Cold War, it became easier to collect sufficient majorities and avoid vetoes in the Security Council.

Since 1990, more than 20 governments and armed groups as well as several hundred individuals have been targeted by the UN Security Council. The growth of the use of sanctions was facilitated by a broadening of the Security Council agenda beginning in the late 1980s. Alongside aggression and interstate war, the Security Council has identified a significant number of other threats to international peace. Examples include massive human rights violation, civil wars and large humanitarian disaster (Cortright and Lopez 2000). Proliferation of weapons of mass destruction was a threat to international peace and security and entered UNSC language in 1991 when the Security Council adopted a resolution that spelled out the conditions of the ceasefire between Iraq and the UN authorized coalition that freed Kuwait. As part of the obligation, Security Council Resolution (SCR) 687 stated, with reference to Chapter VII, that the comprehensive trade sanctions adopted in SCR 661 after Iraq invasion of Kuwait in August 1990 would remain in force until Iraq demonstrated mandated disarmament. Iraq used chemical weapons against Iran and Kurds in the 1980s and it was described as a notorious move, but the Security Council members came out with a resolution related to weapons of mass destruction under Chapter VII. The Iraq case also stipulated a border discussion on non-proliferation and coercive measures under Chapter VII.

In January 1992, the Security Council member states, represented for the first time ever by their respective heads of government or state, gathered with their main thrust to discuss the principles of a new world order. Events in the 1990s showed that S/23500 was more of a declaration than a policy. The UNSC discussed many issues alleged WMD proliferation without issuing resolution under Charter VII. The debate on North Korea's nuclear program in 1993 (SCR 825) was an example. The Security Council did not impose any sanctions, despite pressure from a number of UN member states (Mistry, 1999). Russia and China were the main opponents to the adoption of a stronger resolution. But other governments, both in the Security Council among the wider UN membership, were also reluctant. One argument discussed was that it would be unfair to target North Korea, India and Pakistan, but not Israel. After the terror attacks of September 11, 2001, the Security Council issued a resolution linking non-proliferation with Chapter VII, thus raising possibility of UN sanctions. Two years later, the Security Council followed a resolution with its first non-proliferation sanctions. Pressure from the United States, supported by the Western states, helped to overcome strong initial opposition from Russia, China and a number of other UN member states to pass the resolution.

In July 2006, the Security Council adopted SCR 1695, explicitly condemning the nuclear weapons program and missile launches of the Democratic People's Republic of Korea (DPRK). Although it called for a diplomatic solution, the resolution banned all member states from transacting with North Korea for material, technology or financial resources connected to DPRK's missile or weapons of mass destruction programs. In October the same year the DPRK conducted a nuclear test, the Security Council unanimously added embargoes on military and technological materials and luxury goods as well as financial travel sanctions. The list of sanctions adopted in SCR 1718 was a compromise between the USA and China. The USA pressed for a long detailed list which was also opposed by China. The USA had also lobbied to include in the resolution a reference to the provisions for military action contained in Chapter VII of the UN Charter should the DPRK not to stop its military programs. When the USA dropped the demand, China was willing to compromise. After renewed testing, the Security Council adopted SCR 1874 adding further financial and trade related sanctions. In The case of Iran, the debate on whether to refer to the case to the UNSC began in 2005. Despite the disagreement of a number of governments and academic experts, the governing board of the international Atomic Energy Agency (IAEA) decided to refer the matter to the Security Council.

### *3.5.3 UN and USA Sanctions Regimes in the Context of Counter Terrorism*

Following the September 11 attacks on the World Trade Center and Pentagon, President Bush prepared the country for a "war on terrorism" (Hufbauer et al, 2001). As outlined in his speech before the joint session of Congress on September 20, the war on terrorism **would be** fought on many fronts: diplomatic, intelligence, covert action, economic sanctions, law enforcement as well as military. Diplomacy, intelligence, covert action, and economic sanctions have historically served as auxiliary measures in wartime. Economic sanctions, in particular, have routinely foreshadowed or accompanied broader war efforts. What sets the campaign against international terrorism apart from other wars is the emphasis on economic tools. Several senior US officials, including Secretary of Defense Donald Rumsfeld, have suggested that economic and financial efforts will be as important in winning the war on terrorism as the military campaign. Determined to bring US economic as well as military power to bear in the fight against terrorism, the Bush administration deployed a variety of economic tools such as preferential trade measures, the removal of existing sanctions coupled with loans to reward allies, and new sanctions to intimidate adversaries. In this war, sanctions policy is being used both as a stick and a carrot, which is a new and welcome twist.

Despite this enthusiasm, the history of economic sanctions in the past century reveals very few instances where economic weapons achieved major foreign policy goals (Hufbauer et al 2001). Striking terror is the raison of terrorist groups. To eliminate these groups, or persuade them to abandon their objective, would rank as a major policy triumph (Hufbauer et al 2001). The history of economic sanctions amply demonstrates that only military force and covert action can play a decisive role in a battle of this magnitude. At best, economic sanctions can play only a supporting role with respect to terrorist groups. While economic sanctions alone may not dissuade terrorist groups, they may cause states that harbour and support terrorist groups to reconsider the extent of their support. The Libyan extradition of the two Pan Am suspects illustrates an important shift in state policy induced in part by economic sanctions. One of the first measures implemented by President Bush in the war on terrorism was aimed at disrupting terrorist finances. On September 23, he issued an executive order freezing the assets of named terrorists, terrorist groups, and terrorist fundraising organizations in an effort to weaken the financial lifeline of the al Qaeda network (Katzman, 2001). To coordinate the activities of the various US agencies on the financial

front, the administration created the Foreign Terrorist Asset Tracking Center in the Treasury Department.

These measures carry on the tradition of past US counterterrorism efforts. Indeed, US counterterrorism policy, dating back to the early 1970s, has been heavily sanctions oriented. US counterterrorism sanctions policy rests on two primary legislative tools, the designation of state sponsors of terrorism and Foreign Terrorist Organizations (FTOs), and the presidential determination of Specially Designated Terrorists (SDTs). In the 1970s and 1980s, US counterterrorism policy primarily focused on state sponsorship of international terrorism. State sponsors of terrorism are countries designated by the Secretary of State under Section 6 (j) of the Export Administration Act of 1979 as countries that have "repeatedly provided state support for acts of international terrorism." Currently the list of state sponsors includes seven countries: Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria.

Naming a country on the terrorism list triggers a series of economic sanctions under different US laws. These sanctions include: restrictions on export licenses (or a general ban) for dual-use items or critical technology (under the Export Administration Act of 1979), ban on sales or licenses for items on the US Munitions Control List (under the Arms Export Control Act), ban on US foreign assistance including Export-Import Bank credits and guarantees (under the Foreign Assistance Act of 1961), authorization for the president to restrict or ban imports of goods and services from designated terrorist countries (under the International Security and Development Cooperation Act of 1985), prohibition of financial transactions by US persons with the governments of designated terrorist countries (under the Antiterrorism and Effective Death Penalty Act of 1996), requirement that US representatives at international financial institutions vote against loans or other financial assistance to that country (under the International Financial Institutions Act of 1977) and ineligibility for the Generalized System of Preferences (GSP, under the Trade Act of 1974). Although naming a country as a state sponsor does not automatically trigger a total economic embargo, with the exception of Syria, all countries currently designated as state sponsors-Cuba, Iran, Iraq, Libya, Sudan, and North Korea-are also subject to comprehensive trade and financial sanctions imposed by the executive branch under the International Emergency Economic Powers Act (IEEPA). In some of these cases-particularly Cuba and North Korea-US sanctions policy is less determined by concerns over terrorism than broad foreign policy conflicts.

Iraq was first placed on the terrorism list by the USA in December 1979 and removed in 1982. After Iraq's invasion of Kuwait in 1990, the State Department again placed Iraq on the terrorism list. Meanwhile, as noted by Patterns (2000) Iraq has been subject to the most comprehensive US and UN trade and financial sanctions regime mounted since the Second World War. US and UN sanctions probably curbed Iraq's ability to instigate very high-tech terror, such as suitcase nuclear weapons and sophisticated biological weapons, by reducing resources available to Saddam Hussein. But Patterns (2000) reports that Iraq continues to plan and sponsor international terrorism focused on Iraqi dissident groups abroad and continues to offer safe haven to various expatriate terrorist groups such as the Palestine Liberation Front and the Abu Nidal organization. Furthermore, post-September 11 investigations revealed Iraqi contacts with one of the lead hijackers (Mohammed Atta) and possible links between Iraq and anthrax. These offenses, together with US-Iraq differences over Iraq's regional ambitions and its record of noncompliance with UN weapons inspectors, will probably keep Iraq on the terrorism list for the foreseeable future. However, the effort to consolidate a pro-West post Saddam Hussein government may yield quicker results if insurgent groups such as the Islamic State of Iraq and the Levant (ISIS) are contained.

According to Patterns (2000), Libyan terrorism was sharply reduced after the imposition of UN sanctions. Pressure from the international community was credited as a deterrent to Libyan sponsorship. Mandatory UN sanctions, the first to be imposed in response to government involvement in an act of terrorism, ultimately secured the extradition of the two Libyan Pan Am suspects in April 1999. This led to the suspension of UN sanctions. The suspects were subsequently tried and one was convicted and imprisoned for life, but conviction and punishment were not conditions for lifting UN sanctions.

In continued efforts to improve its international standing, Libya not only expelled the radical Palestinian terrorist group Abu Nidal but also compensated the victims of the France UTA flight. Libya also accepted "general responsibility" for the 1984 shooting of a policewoman outside the Libyan embassy in London and agreed to compensate her family. While Libya has made progress toward meeting US demands, the Bush administration insists that US unilateral sanctions will remain in place until Libya accepts responsibility for the Pan Am bombing, compensates the victims, and renounces all support for terrorism. The success of UN sanctions in the case of Libya suggests that economic sanctions, if imposed multilaterally, can achieve clearly defined and

relatively modest policy goals. This was illustrated by the extradition of the two mid-level Pan Am suspects.

#### ***3.5.4 UN Sanctions Regime as an Incentive for Democratization***

Instigating democratization has been by far the most common goal of sanctions initiated by the United States, the European Union, and the United Nations against authoritarian regimes in the post-Cold War period. Given previous research on the democratic effects of sanctions, the frequent use of sanctions as a tool for democratization is rather surprising (Drury 1998; Haass 1998; Pape 1997). In a seminal and widely cited study, Peksen and Drury (2010) argued that sanctions have an adverse effect on the level of democracy in targeted countries. According to the logic presented by Peksen and Drury, the negative democratic effect of sanctions is a consequence of increased levels of repression used by political elites in targeted countries as they attempt to cope with increased domestic pressure (also Wood 2008). Indeed, severe and widespread repression has often followed international sanction as a means to fight off increased opposition. However, previous research in the comparative democratization literature have shown that economic stress is one of the most robust determinants of democratization and or regime change in authoritarian regimes (e.g. Geddes 1999; Bueno de Mesquita & Smith 2010; Teorell 2010).

Authoritarian regimes tend to survive with a mixed strategy of repression and co-optation (Rotberg 2007; Wintrobe 1998). Without the financial ability to co-opt counter elites, authoritarian regimes often resort to a strategy of increased repression. However, repression is generally a less efficient tool for long-term regime survival than co-optation (Bueno de Mesquita & Smith 2010; Gandhi & Przeworski 2007). Although often temporarily effective, repression is an imprecise instrument that often leads to an increase in both opposition support and levels of dissent (Lichbach 1987). As a consequence, economic downturn often results in regime accommodation or, even more dramatically, regime collapse. Sanctions can, if effectively designed and strategically imposed, be used to increase such economic pressure on authoritarian elites. Moreover, by targeting central elite figures or strategically important industries, sanctions can also effectively undermine the inner elite's support for top-leaders or current institutions.

Although the current literature on comparative democratization makes it plausible that sanctions could have a positive effect on the level of democracy in the targeted country, this is not to say

that all sanctions necessarily have the same effect. As several authors have acknowledged (Kirshner 1997; Allen 2005; Hufbauer et al. 2007), implementers or senders have used a multitude of sanction designs to achieve their desired goals. It is also not at all evident that sanctions aimed at goals other than democratization would have the unexpected, and in some cases even undesired effect of causing regime change. For instance, we cannot expect sanctions aimed at ending nuclear weapon proliferation to have the same democratic effect as a sanction purposefully designed to instigate democratic reforms, such as introduction of multiparty elections or reinstatement of an elected civilian leadership. In earlier research on sanctions and democratization, sanctions have not been clearly separated in relation to their explicit goal. Thereby, the question of democratic sanction effectiveness has been left largely unanswered. In our study on sanctions and democratization, we are therefore especially interested in the democratic effect of those sanctions that explicitly aim to increase the level of democracy in the targeted country.

Earlier studies have described the process of democratization as being a predominantly domestic affair (O'Donnell et al. 1986: 5). Only more recently have scholars of democratization emphasized its international dimension and discussed different ways of exerting influence from the outside (Brinks and Coppedge 2006; Gleditsch and Ward 2006; for an early account, see Whitehead 1996). At the same time, sanction research has found that the international relations of targeted regimes mediate the effect of sanctions (Early 2011; Hufbauer et al. 2007; McLean and Whang 2010).

The relationship between the initiator of sanctions and the targeted regime is characterized by two closely intertwined elements, namely the linkage between the entity imposing sanctions “sender” and the authoritarian regime “target” receiving them and the target’s vulnerability to external pressure. Scholars dealing with the international dimension of authoritarianism and democratization have recurrently used the concept of “leverage” to assess the direct influence that a (Western) power has over the targeted regime (Levitsky and Way 2010). Likewise, sanctions research has found that economically and politically less healthy targets are more likely yield to sanctions (Drury 1998; Jing et al. 2003). Such vulnerability can be assuaged by third party assistance, also referred to as “sanctions busting” (Early, 2011) or “black knight” activity (Hufbauer et al. 2007). For our concept of vulnerability, we hence use a combined measure of any target specific sensitivity and third party assistance potentially reducing the vulnerability of targets. Documentary review has also revealed that the existence of amicable political and economic

relations between states that impose sanctions and the targets of them increase the overall effectiveness of coercive measures (Allen 2005; Jing et al. 2003). Levitsky and Way (2010) demonstrate that linkages understood as the density of ties and cross border flows between two parties increase the prospects of democratization. In a nutshell, both weak sender target ties and a lack of target vulnerability may negatively affect the ability of sanctions to induce democratization. Yet, research on democratization on the one hand and on sanctions on the other has actually supported contradicting assumptions. If Levitsky and Way (2010) are right, authoritarian rule can only persist in contexts with a low density of ties while a low level of vulnerability alone would not prevent democratization from unfolding. If, however, sanctions researchers are correct, both weak sender target ties and low vulnerability contribute to the persistence of authoritarian rule.

### ***3.5.5 UN Sanctions Regime in Protection of Civilians***

The protection of civilians is one of the greatest issues of international relations and it is at the core of the UN. Work on international peace and security. The UNSC holds debates on the protection of civilians, it has been a subject of a number of thematic council resolutions and more than 90 percent of UN keepers deployed today are mandated to protect civilians. According to the UN Secretary General annual report to the Security Council on the protection of civilians, covering a range of aspects including, the use of force by peacekeepers, humanitarians and human rights law and development of responsibility to protect doctrine. The discussion is going to examine how the UN has responded to the changing nature of conflict, tracing the development of the civilian protection concept from its humanitarian roots and questioning whether the UN, comprising a collection of politically motivated actors, has effectively used the range of tools at its disposal to protect civilians in conflict. The UN crafted a broad definition of protection of civilians (Pantuliano et al, 1995). Navigating between the aspirations of the UN Charter and the realities of politics and resources, the definition includes both the concept of physical protection through the use force and the concept of restructuring the capacity of States to protect their own civilians. Despite frequently lofty rhetoric, the political will to ‘persuade’ states to protect their own civilians’ populations is often absent or dependent on strategic alliances. The UN and its Security Council, only gradually became aware that they would not be faithful to the spirit of the UN Charter if they did not put the safeguarding of civilians lives at the center of their concerns. The first post- Cold War decade was marked by the Rwandan genocide (Gourevitch, 1998) and the killings of the Yugoslav, and in

particular the Srebrenica massacre, in which 7000 Bosnics lost their lives despite being in a safe area established by the resolution of the Security Council. Mc Robbie (2014) envisaged that the strategic level in Rwanda and the tactical Srebrenica, the 'international community massively failed the people of the UN'.

In 1999, from the reports on Rwanda and Srebrenica, the UN Secretary General and the Security Council began a regular cycle of reporting and a series of debates on the protection of civilians in armed conflict, resulting in a number of resolutions. Since 1999 the council met, issued statements and resolutions dealing with the protection of civilians in armed conflict (Wilmot et al. 2000). The former deputy North Atlantic Treaty Organization (NATO) Supreme Allied Commander Europe (SACEUR), British General Rupert Smith, described new wars as 'war amongst the people' (Smith, 2005) The wars of the twentieth century exacted a heavy toll on civilians, the need to destroy the industrial support system of the war machine which led to massive bombings that killed many innocent souls and many indiscriminate weapons decried today developed during the traditional war (Hobsbawn, 1994). The evolution in warfare has its counterpart in diplomacy, as economic sanctions also became more individualized.

### ***3.5.6 The Problem of Consistency in the Imposition of Economic Sanctions***

At present, sanctions have uncertain grounding in ethics and little or no standing in international law. Even if the United Nations Security Council decrees economic sanctions against certain nations, then members of the United Nations who are sympathetic to the regime will still find ways to render economic support (Schott, 2006). Economic sanctions against Cuba, enacted more than 40 years ago, have failed because of a lack of commitment among allies (Jacobs, 2008). This ambiguity and moral uncertainty must be overcome if sanctions are to serve a legitimate purpose in international affairs (Lopez and Cortright, 2000). In essence, ethics must be based in virtues, in objective morality, declared by an authority that transcends the human implementers. The alternative will be that people are forced to work with and come to agreement regarding personal opinions voiced either individually or collectively.

In the current global political climate, justification for sanctions is usually reactionary and it is reactionary on the basis of implicit self-interest, often overtly justified in stated humanitarian considerations. The moment a particular, usually economic interest, is threatened, then economic

sanctions, the politician's compromise between dialogue and all-out war, is seriously discussed. The resultant action will generally be carried on the basis of what is essentially an ego-centric, political-economic motive (Shuja, 2002). Even when considering human workers' rights in particular countries such as Burma (Macan-Markar, 2005) and India (Lukas, 1998b), the suspicion is clearly present that, despite the horrendous work conditions that many of these workers are being subjected to, the underlying consideration to militate against cheap labour is the protection of the national workers' market.

The result of such approaches is that economic sanctions will be pragmatic, rather than principled. If economic sanctions were exercised on the principle that sweat shops and forced labour are unacceptable in the context of human dignity, relations with three-quarters of the world's people would be ruptured (Griswold, 1997). Religious lobbying groups in the USA are making an effort to seek the legal establishment of an Office of Religious Persecution Monitoring that would give the President an annual list of those nations which either persecute people actively on account of faith or fail to prevent systematic persecution. The aim is to ban the export of "persecution-facilitating products, goods and services" to such places. Apart from the fact that this would marginalize most countries on the globe, governments that are authoritarian enough to risk the ire of other countries with religious persecution show remarkable insensibility to economic pressure (Rai and Eden, 2001). In order to avoid disenfranchisement of most of the world's countries, prioritization would be required. This leads to ethical questions in terms of who should do the prioritizing, why certain countries are left out, which goods and services are deemed persecution facilitating. The pragmatism embedded in the process would thwart ethical and principled action. It is in this particular ethical arena that the apparent lack of ethical justification for economic sanctions emerges. In order to ground sanctions in ethics, such ethics must be taken from a source beyond.

### **3.6 Conclusion**

Regardless, all the issues that have been discussed in this chapter the main aim was to explore an overview on the evolution of the idea of sanctions. As previously discussed in the chapter, The UN imposed sections under Chapter VII of UN Charter in imposing sanction to Rhodesia and South Africa. The sanction that was imposed was targeted to change the behavior of the targets and these sanctions caused a significant damage to the targeted states. Dwelling on the idea of

economic sanctions, the sanctions that were imposed against Cuba was a threat to stability of Western hemisphere since the aim was to foster radical policies and bolstering Cuba's political stability and economic relationship with Soviet Union. The collective economic sanctions whether directly or indirectly, cause harm to the innocent civilians at the end. The rationale behind the imposition of sanctions includes coercive, punitive purpose and this will also affect human beings at large since the economic sanctions have a negative impact to the civilians at large. UN sanctions in the context of non-proliferation, counter terrorism, protection of civilian, democratization, conflict resolution mechanism was ethical basing on law but in terms of application it became unethical since there were big five super powers which also have direct impact in the passing of Security Resolution and conflict of interest was also a problematic factor in the imposition of economic sanctions.

Economic sanctions have been used over the last three decades more than ever before even though the evidence regarding ineffectiveness is quite overwhelming in many cases, with the possible exception being when they were used against apartheid South Africa, as some authors intimate. This begs the question why politicians still persist with them. Consensus of analysts is that, in tune with the remark made by former US Secretary of Defence, James R. Schlesinger, sanctions appeal to America because they seem to be a substitute for stiffer measures that may be required. In short, they are a way of making ourselves feel that we are doing something substantial about a serious problem without really doing anything at all (Bartlett, 1985). The weapon of economic sanctions would appear to be generally undesirable for those holding to the Biblical worldview, except possibly in the case of a war between two nations. Sanctions tend to alienate parties and make conflict resolution more difficult to achieve.

Furthermore, research has shown that sanctions leave the real targets, the political manipulators and despots, largely unscathed. Also, no self-respecting government has been prepared to lose standing by succumbing to such measures. If anything, as has also been noticed, alternative trading partners would be sought and found, in most cases making the subjected nation stronger over time. It should be no surprise that sanctions, however well intended, lead to unexpected and unwanted results. In order to progress relationally in this world, be it at a personal or at any public level, there must be relationship building through dialogue, through willingness to stand beside the other person or nation. The effectiveness of sanctions is questionable. It is clear that the more harm

sanctions have on their target, the more likely they are to influence the target's behavior. The human costs of such sanctions, however, are often unacceptable and make international support unlikely. Moreover, sanctions are likely to have greater effect on their target if the target government is faced with domestic opposition; otherwise, sanctions may simply encourage greater political cohesion around the targeted leadership. Conflict often arises due to one party's feeling that they lack political, economic, or security resources. The next chapter is going to discuss the UN application of economic sanctions during Cold war era, an era whereby the practice of economic sanctions was mainly practised on the basis of the bipolar power system between the then USSR and the USA.

## **CHAPTER FOUR: THE UNITED NATION'S APPLICATION OF ECONOMIC SANCTIONS DURING THE COLD-WAR ERA**

### **4.1 Introduction**

As discussed in the preceding chapter, the founding of the United Nations (UN) was the second attempt at creating a world collective security system within a space period of a few decades. Yet, during the Cold War, the UN collective security system was going to fail once again, as most of the world was divided into two blocs – the Eastern bloc as opposed to the Western bloc. The UN found itself divided according to the then prevalent bipolar economic ideological power system when it comes to the issues of peace and security in the world. Similarly, its organ for the maintenance of peace and security in the world, the UN Security Council (UNSC), often found itself in a stalemate situation, unable to act efficiently. Indeed, on several occasions, it can be said that the UNSC was used as a tool of superpower influence. While the UN did not achieve its founding mission of promoting peace and security throughout the Cold War (and still has not done so up to today), it was more successful in fields such as decolonisation and human rights. A brief general overview of the UN system is given in this chapter, followed by a more focused analysis of cases in which the UN was said to have been used as a superpower tool, such as Korea and the Congo.

The UN was created with the liberal idealist intentions of trying to avoid a third destructive World War and preserve world peace and security. In this regard, emphasis was put on the need to recognise the sovereignty of each member state in the UN General Assembly. During the Cold War era, economic sanctions were not used as frequently as a foreign policy tool for behaviour modification for errant States. Sanctioning of States was difficult as countries could still trade regardless of the economic sanctions. For example, if the US imposed economic sanctions against a particular state, that state would still trade with the Soviet Union and vice versa, thereby rendering economic sanctions counterproductive. This led to the unveiling of an analogue of the Cold War ideologies where it was noted that the Cold War between communism and liberalism continued at the close of the Second World War as the power relations between the two sides escalated into what came to be popularly known as the Cold War. The age of unrestricted Western imperialism had come to an end as the intelligence systems of the liberal and communist nations confronted one another on the plane of ideas in Europe. Not all UN failures during the Cold War

were caused by the East-West division; there were also other deep divisions between States, such as between Israel and its neighbouring Arab countries. In the light of the briefly discussed world political scenario, this chapter will be structured as follows.

Firstly, the chapter discusses the political dynamics that surrounded the application of economic sanctions during the Cold War, where it postulates that this tool of economic ostracism has been applied increasingly since the beginning of the 20th century. Some cases were catered for in Chapter IV of the UN Charter, for instance. The rationale behind economic sanctions was to cripple the economy within a territory. In line with this, there is the evaluation of the effectiveness of the application of economic sanctions in the Cold War environment, where it can be noted that sanctions have failed as a means of changing behaviour, and are not free of ethical cost as they impact on the livelihoods of innocent civilians and can kill more people than the wars they are purported to supplant. In appreciating the post-Cold War trends and the use of economic sanctions, the chapter notes that sanctions imposed during the 1990s were pre-eminently comprehensive embargoes which had little effect in changing the state policies and additionally caused immense suffering to the population of the various sanctioned countries. International economic sanctions are characterised as over-used, ineffective, and unfair.

#### **4.2 The Cold War Era and the UN's Role of Maintaining Uneasy Peace**

While it was hoped that the UN would be more successful than its predecessor, both organisations were challenged by very similar issues. Both the League of Nations and the UN were built upon two fundamentally opposed approaches to international relations: the tradition of the 'Concert of Europe' and the 'Peace Project' tradition (Brown & Ainley 2009:144). According to the Concert of Europe, the Great Powers were to have extensive responsibility for managing and coordinating policies on matters of common concern, so maintaining a balance of power among States (Brown & Ainley 2009:145). Of course, 'common interest' was usually interpreted through the lens of the Great Powers' interests. The Peace Project, on the other hand, was very much influenced by Kant's theory of 'Perpetual Peace', and rested upon the assumption that eventually war could be made obsolete through the regional and international cooperation of States (Brown & Ainley 2009:145).

The UN was therefore created with liberal idealist intentions primarily to avoid a third destructive World War and to preserve world peace and security (Article 1.1 of the UN Charter), as well as to recognise the sovereignty of States and give a voice to each state in the General Assembly (GA). Stalin remarked at Yalta in 1945 that “the main thing was to prevent quarrels in the future of the three Great Powers [USA, Britain, and the USSR] and the task, therefore, was to secure their unity for the future” (FRUS 1955:666). His view was shared by President Roosevelt (FRUS 1955:667). Thus, from the beginning, the UN also reflected a realist Great Power chain of command, as the main decision-making organ of the UN, the Security Council, included only five permanent members: the US, the UK, the USSR, France and China (Cassese 2005:317). These five Great Powers agreed to maintain peace and security for the common good, but especially, of course, when it was in their own interests. According to Articles 2.3 and 2.4, States should peacefully settle disputes and the use of force is prohibited. Under Article 39, the Security Council (SC) may decide on the use of force if there is a threat to peace, a breach of the same, or an act of aggression (Higgins 1995:446). Each of the Big Five received a veto power, which could stop SC decisions from being made. To this date, the liberal and realist elements of the UN System remain one of its greatest paradoxes. The UN still reflects conditions as they were in 1945, as its structure does not easily allow for reform (Luck 2004:361).

In the aftermath of the Second World War, most of the world soon split into two camps, under either US or Soviet influence. Roosevelt’s vision of the Security Council as “a board of directors of the world” with the responsibility of enforcing “the peace against any potential miscreant” collapsed (Kissinger 1995:395). Each of the two superpowers focused on preserving order and stability in its own sphere of influence, while respecting the other’s bloc (Cassese 2005:323). Superpower competition came to the surface mainly in relation to spheres of influence in the developing world, as well as in strategic areas, and often led to proxy war-type conflicts in these regions (Cassese 2005:323.). This competition was, of course, reflected in the SC, and the P-5’s veto power would often serve as a tool to create a stalemate, such as in the 1956 Suez Crisis, the situation in Vietnam from 1946-1975, the Sino-Vietnamese conflict in 1979, and Afghanistan from 1979 (Roberts & Kingsbury 1993:6).

As the UN's principal crisis-management body, the Security Council may respond to global threats by cutting economic ties with state and non-state groups. Sanctions resolutions must pass the fifteen-member Council by a majority vote and without a veto from any of the five permanent members: the United States, China, France, Russia, and the UK. According to Smith (2004:5), the most common types of UN sanctions, which are binding on all member States, are asset freezes, travel bans, and arms embargoes. This notion of a resolution having to pass through the fifteen-member Council by a majority vote has seen countries coming together with the same voice and imposing sanctions on offending countries. In such scenarios the successful implementation of sanctions would have been manifested.

#### ***4.2.1 The UN's Reluctance Over the Use of Sanctions***

Economic sanctions were rarely used during the Cold War. In line with this, Smith (2004) observes that for most of the 20th century, sanctions were rarely used. During the Cold War, both the USSR and the United States tried to gain a competitive edge over each other by cooperating with corrupt leaders. This policy made sanctions an ineffective tool. Before the fall of the Berlin Wall, there were only two UN-approved sanctions, against Rhodesia and South Africa. If the US sanctioned a state, that state would trade with the USSR and vice versa, rendering the act of sanctioning counterproductive. Furthermore, the UN was incapable of imposing any sanctions as the two superpowers used their right of veto to block any such action with the exceptions of Rhodesia in 1965 and South Africa in 1962. In reinforcing this notion of reluctance over the use of sanctions during the Cold War it can be noted that prior to 1990, the Council imposed sanctions against just two States: Southern Rhodesia (1966) and South Africa (1977).

However, since the end of the Cold War, the body has used sanctions more than twenty times, most often targeting parties to an intrastate conflict, as in Somalia, Liberia, and Yugoslavia in the 1990s. But despite this cooperation, sanctions are often divisive, reflecting the competing interests of world powers. For instance, since 2011, Russia and China have vetoed all four Security Council resolutions concerning the conflict in Syria, some of which could have led to sanctions against President Bashar al-Assad's regime. This standoff changed in the 1990s with, firstly, the fall of Communism, and, secondly, a wave of humanitarianism that sought alternatives to the threat of war. In this new climate, the world embraced sanctions. While there were only 248 cases of sanctions from 1914-1990, there were 343 cases in the 1990s (Smith 2004).

One of the main goals of sanctions has been regime change agenda and democratisation, most particularly in the Third World. While there is a plethora of reasons for States to sanction other States, Oechslin (2011:2) says that “[i]n practice, sanctioning States have indicated a variety of goals but the most frequent by far is to promote democratization by pushing autocratic (or even despotic) regimes out of power (46% of the cases in the 1914-2000 period)”. The role of economic sanctions as a foreign policy tool for democratisation has continuously been questioned in the academic and political circles with regard to its efficacy. It has been mostly argued that sanctions are not that efficacious in the democratisation process of autocratic States but rather worsen the situation. Goldsmith (2007) observes that sanctions have been mostly ineffective in achieving political and economic objectives. He further argues that “of all cases examined starting in World War I, only about one third were judged to be even partly successful. These cases included multilateral sanctions and unilateral embargos [sic] and boycotts by the United States and other countries, aimed at a variety of economic and political objectives” (Goldsmith 2007:4). It can be observed that economic sanctions have been hardly successful or have had minimal impact in influencing governments of States to democratic reform (see Drury et al. 2010:1–2; Hufbauer et al. 1983, in Oechslin 2011:4, 2).

In support of the above school of thought, Smith (2004:1) had this to say about sanctions in general and economic sanctions in particular:

Sanctions are often viewed as an alternative to military force. By punishing an offending party economically, socially, or politically, rather than militarily, those who impose sanctions hope to solve a conflict without the mass suffering and sacrifice required by war. Indeed, sanctions have sometimes been effective, and are widely used. But their use is much more common than their success: studies indicate that only five to, at most, 30 percent of sanctions result in the desired change. The use of sanctions also comes with significant risks.

Drury et al (2010:1–2) argue that when States are threatened by sanctions they tend to react negatively to coercive external policies and democracy-related sanctions may actually be counterproductive and undo progress towards political liberalisation. Thus, sanctions sometimes result in unintended consequences, creating new complexities that reverse democratic transitions in the Third World. In the Cold War period between 1945 and 1990, the UNSC imposed economic sanctions in only two cases, Southern Rhodesia (present-day Zimbabwe) in 1965, and South Africa in 1977. In 1965, after the unilateral declaration of independence by Ian Smith in Southern Rhodesia, the UN Security Council installed a voluntary oil embargo on Southern Rhodesia. This

was later made mandatory, adding an arms embargo and wide trade sanctions, travel bans, diplomatic blockades, and financial measures. This ban was lifted only in 1979 following the changeover to black majority rule.

The other case of UN sanctions during the Cold War was then-apartheid South Africa. When South Africa acquired arms in 1963 it was deemed to constitute a threat to the maintenance of international peace and security. In response, the UN Security Council imposed a mandatory arms embargo against South Africa, which remained in force until multiracial elections were held. South Africa introduced apartheid in 1948 in a post-World War II political climate that saw anti-racial discrimination blowing away with winds of change, starting with Ghana's independence in 1960. South Africa's racial policy was put on the UN agenda by India and other States that criticised apartheid. The South African government responded to the criticism, stating that apartheid was part of the internal affairs of South Africa and fell outside the UN mandate. The USA, UK and France supported this view at first. This support was, however, challenged after the horrific Sharpeville Massacre, which received worldwide condemnation. Global opinion openly criticised South Africa, and western countries no longer justified the view that the racial policies were the internal affairs of South Africa and not the concern of the UN. On 1 April 1960, the UNSC held that the Sharpeville incident was indeed a threat to world peace and security. In 1974, the UN resolved to expel SA from the UN, but the UK, USA and France did not accept this. The result was UN economic sanctions and the isolation of South Africa. Nevertheless, the main trading partners of SA voted against mandatory economic sanctions.

In 1962, the General Assembly proposed further economic sanctions by cutting off trade, diplomatic and transport relations in an attempt to force SA to abandon apartheid. In 1963, the SC appealed to member States to stop selling arms to South Africa. It was only in 1977 that the sanctions became mandatory. In 1982 the GA declared it the International Year of Mobilization for Sanctions against South Africa. In 1988 the UK and the USA vetoed SC further economic sanctions against SA. Inevitably, efficient UN action was in fact stymied by superpower conflict that was based on both geopolitical and ideological factors. These circumstances led to many brutal proxy wars, such as in Korea, the Congo and Vietnam, which were often even prolonged by superpower divisions. Many peacekeeping missions failed or never left to pursue their intent. Atrocious genocides such as in Cambodia and in Guatemala were not prevented by the UN. Rather

than acting as a collective security system, the SC mostly remained divided throughout the Cold War. Hence, 'Divided States' may indeed have been a more accurate term than 'United Nations' (Roberts & Kingsbury 1993:10). Yet the UN was not a complete disaster, and undoubtedly the Cold War world was better off with it than without it (Weiss & Daws 2007:11). Some improvements towards peaceful cooperation were made, largely by simply providing a peaceful platform for global discussion. Throughout the Cold War, the value of the UN developed into one that was different from initially intended, focusing more on aspects such as human rights and self-determination. This is still true to this date, and perhaps it is high time to rethink the role of the UN. Maintaining global peace and security has so far proved impossible; however, it is possible to make small steps forwards to make this world a better place gradually, hopefully.

As the UN's organ entrusted with the mandate for the maintenance of peace and security in the world, the UN Security Council (UNSC) may respond to global threats by imposing the cutting of economic ties with state and non-state groups. Sanctions resolutions must pass the fifteen-member Council by a majority vote and without a veto from any of the five permanent members: the United States, China, France, Russia, the UK. According to Smith (2004), the most common types of UN sanctions, which are binding on all member States, are asset freezes, travel bans, and arms embargoes. UN sanctions regimes, including most of the sixteen in place in early 2015 (the most in history), are typically managed by a special committee and a monitoring group. The global police agency Interpol assists some sanctions committees, particularly those concerning al-Qaeda and the Taliban, but the UN has no independent means of enforcement and relies greatly on member States, many of which have limited resources and little political incentive. Anecdotal evidence suggests that enforcement is often weak for reasons that will be discussed later, in the following chapters.

### **4.3 An Analogue of the Cold War Ideologies**

The Cold War era, characterised by competition for world dominance between communist ideology and capitalism that had receded in 1941, resumed at the close of World War II. The power relations between the sides had, however, twisted. There was a resistance to military recourse and neither side had adequately recovered from the war. The age of unrestricted Western imperialism had come to an end. No one could foretell when and how the colonised would attain independence from the superpowers or how the newly self-governing peoples would organise and align

themselves in the world order. The intelligence systems of the liberal and communist nations confronted one another on the plane of ideas in Europe, and then militarily in those colonies, which collectively constituted what is now called the developing world (Warner 2014). World War II ended in Europe with the victorious Allies arguing over the shape of the peace to come in 1944 and 1945. Stalin kept the Soviet Army in the lands it had taken from Hitler in Eastern Europe. The word ‘‘liberation’’ hardly seemed apt for people who had exchanged one tyrant for another. The Americans had to leave Europe as fast as possible, shifting forces to the Pacific and, when Japan capitulated that September, demobilising their huge military establishment with all possible haste. In 1946 the Americans left behind on the continent light constabulary forces, but hardly any combat formations. With the resumption of the Cold War, the US Army returned with full force, with major headquarters in Stuttgart in Germany. In 2016, the Russian President Vladimir Putin described this presence as unnecessary and probably a threat to international peace. The US president-elect described the US presence in Europe as not only unnecessary but an unwarranted expense on the public purse.

In Eastern Europe, local Communist parties and the organs of Soviet state security set about re-demarcating the countries that Stalin had promised his allies would be granted self-determination. Political stability and the very future of liberal democracy in Europe required economic stability. The continent had been exhausted by war, with whole societies decimated by the Nazi occupation. Germany was physically devastated. France and Italy were recovering but had constantly shifting coalition governments, as well as strong leftist movements that had recently fought the Germans and commanded the loyalty of sizeable voting blocs. For a period of time, Communists in the West cooperated with the ‘‘bourgeois’’ governments and pleaded for one Europe, undivided by ideological cleavages, while working to take control of labour unions and their parliamentary clout. Opposition to the communists seemed weak and divided.

Meanwhile, President Harry Truman’s announcement of the Truman Doctrine to confront Communist agitation against Greece and Turkey in early 1947, was followed quickly by the Marshall Plan to spread America’s purchasing power and rebuild the continent’s economies, forced the issue. President Truman invited the USSR to accept Marshall Plan aid, but Stalin commanded obeisance from every communist party in the world and in response to the Marshall Plan he assembled the key parties in a new Communist Information Bureau known as the

Cominform. At Cominform's inaugural meeting in Poland, his delegates reversed the wartime notion of "national roads of socialism", which vowed to expunge the vestiges of pluralism in Eastern Europe. They ordered the parties in the West to do what they could, short of armed insurrection, to oppose the consolidation of American "hegemony" in their countries. By the year end, France and Italy were paralysed by waves of strikes before Marshall Plan aid could arrive. The Cominform also mounted a "peace offensive" in October 1947, reaching out via party operatives and fellow travellers to unions and peace organisations, urging them to adapt a common message: the United States was seeking to divide Europe and precipitate a third world war. Meanwhile Stalin dominated Eastern Europe through coups in Hungary (1947) and Czechoslovakia (1948), and he blocked access to the Western allies' sector of West Berlin in an attempt to halt the creation of a Federal Republic of Germany out of the French, British and American occupation zones.

Countering communism forced a dilemma on European leaders. They could not ignore pressure tactics exerted from within their societies by a united dissident movement obedient to Moscow, yet they were reluctant to suppress the parties and the groups that they were in control of, in fear of an uprising support to communist charges of armed American hegemony. While many in the West appreciated the Marshall Plan and eventually NATO, Western governments argued over the particulars of these measures in public, submitting them to democratic processes. However, French leaders and other private groups and politicians on the continent did not want open subsidies, especially from America, as these opened them to rhetorical assaults from the left. The riposte to Moscow's vicious psychological efforts came via a Western psychological offensive against the Communists on both sides of the Iron Curtain. The main effort of the counter-offensive was always overt and conducted by the Voice of America, the BBC, the US Information Agency, the British Council, and various programmes for cultural and educational exchanges. What ultimately won the ideological conflict in Europe were realities on the ground. The effects in the short term of Western covert psychological and political action were most trivial. In the long run, however, the economic disparity between East and West was more than communism could bear. Moscow's exile of the writer Alexander Solzhenitsyn in 1974 ended any idea that art flourished under Marxism, so the West won the cultural struggle as well.

Economic sanctions usually refer to the imposition of international economic boycotts and embargoes. The term can also be used in domestic conflicts to refer to labour strikes and economic boycotts, shutdown and intervention (Anon 2005). Economic sanctions are economic penalties by one country on another for a variety of reasons. Economic sanctions include tariffs, trade barriers, import duties, import and export quotas, and other monetarily damaging penalties (Anon 2005). They can be unilateral or multilateral measures of deprivation imposed on individuals or national economies (Davidsson 2003). Penalties threatened or imposed are declared as a consequence of the targets' failure to comply with international standards or obligations (Doxey 1996). The notion behind economic sanctions infers from the above definitions that economic sanctions are imposed by those nations that hold a certain whip in hand over other nations. The nations that hold a whip try to impose their views on the political powers of the target nations by means of causing economic distress, or discomfort at least. This tool of economic ostracism has been applied increasingly since the beginning of the 20th century. Some sanctions are catered for in the UN Charter System in Chapter VII of the UN Charter. According to this, the Security Council may be called upon to decide that there is a threat to the peace or breach of the peace, or an act of aggression. According to the UN Charter (Articles 39, 41 and 42), the council may then rule whatever coercive measures of a non-military or military kind are deemed necessary to preserve world peace and international security. In the post-Cold War era, the driving force behind the imposition of economic sanctions was conflict resolution. The UNSC was authorised to impose sanctions when a nation threatened peace and security or was guilty of aggression against another state (UN Charter Article 39). The imposition of economic sanctions is a step towards hostile foreign policy which, if effective, can be followed by military force, according to the UN Charter.

The implied logic of economic sanctions is that, by crippling the economy within a territory, the authorities of that territory are prevented from satisfying popular needs such as the supply of commodities, services and work. Massive shortages that ensue are supposed to cause popular discontent, which would translate into a call for the removal of the authorities or a pressure on the authorities to comply with external demands. The theory is thus predicated on causing civilian pain to achieve political gain (Davidsson 2002:6). Sanctions may be comprehensive, comprising the full gamut of means (trade boycotts and embargoes across the board), or selective, covering only certain areas. Furthermore, they also may be mandatory by decision of the UN Security Council, or voluntary, leaving their implementation to the respective sanctioning States. Moreover,

sanctions may be imposed unilaterally, by one state against another, or multilaterally, by a broad front of States against a target state (Tostensen & Bull 2002:374). However, most studies of sanctions have shown that despite the differentiation between economic, political, smart and targeted sanctions and all other forms of sanctions, there is hardly any evidence showing different impacts. What seems to differ is the degree of acceleration in feeling the impact, but all are premised on the civilian pain = political gain formula. This is propounded by Davidsson (2002:7–11), who argues that the discourse of sanctions is full of euphemisms, such as: ‘target state’, ‘conflating a population with its leader’, ‘collateral and unintended effects’, and ‘humanitarian exemptions’. Therefore, despite an attempt to separate the types of sanctions, they still all lead to the same effects.

#### **4.4 The Efficacy of UN Economic Sanctions in the Cold War Era**

Economic sanctions are an important feature of the modern economic, political and social landscape, lauded as the humanitarian alternative to war, with over 500 cases of sanctions being implemented in the 1990s alone. They are implemented with the stated intention of altering a targeted state’s behaviour, to elicit conformity with international ethical norms. An analysis of the effectiveness and ethics of economic sanctions reveals that they have been a resounding failure. The only remaining focus of academic debate is centred on exactly *how* ineffective economic sanctions are.

Data and theory demonstrate the failure of economic sanctions as a means for the enforcement of behaviour modification on the target state. Furthermore, economic sanctions are not free of ethical cost. They impact on innocent civilians and, at worst, can kill more people than the wars they are purported to supplant. Therefore, the question must be asked: why are sanctions still implemented so frequently? The answer is that economic sanctions serve a symbolic function. They signal to the target, and the world, what is and is not acceptable ethical behaviour. This is an important act when examined through the ethical lens of constructivist theory. This is a political theory which argues that many of our beliefs, behaviours and institutions are consequences of social interaction. Their structures can be and are actively changed, as opposed to the inevitable consequences of nature or necessity. Through this framework, the symbolic function of sanctions is important, for it helps construct new ethical norms of belief and behaviour by signalling that acts such as sponsoring terrorism are unacceptable in the world today. The symbolic function serves as an

important lesson for people and institutions alike: even when acting ethically seems to have little immediate or evident impact, it is still important to continue. Ethical acts and symbols have the capacity to shape normative practices and beliefs over time.

Tostensen and Bull (2002:374) further argue that the fundamental flaw in conventional sanctions theory is its assumption that hardships inflicted on the civilian population of a targeted state will lead to grassroots political pressure on that state's leaders to modify their behaviour. In other words, a transmission mechanism often referred to as the "pain-gain" formula is presumed to be operative. Therefore, there is no linear projection to causality between sanctions and desired results because this may vary from case to case, depending on a number of factors that are internal and external to the sanctioned state. However, while a transmission mechanism is operative in some cases, particularly if there is reasonably strong internal opposition to the targeted government, it cannot be assumed that it holds universally. In fact, the consequences of some sanctions regimes make their imposition counterproductive (Tostensen & Bull 2002:374–345). Additionally, Davidsson (2003) cites Cortright and Lopez (2000), who also argue that there is no direct transmission mechanism by which social suffering is translated into political change. Sanctions have been observed to give rise to the sanctions paradox, or unintended results. Therefore, sanctions may lead to unintended consequences, as observed by Tostensen and Bull (2002:377): they may produce unexpected changes in the internal political constellations, thus resulting in realignments that may alter the balance of power in favour of the very culprits that the sanctions aimed at punishing. In authoritarian States in which the government can manipulate information flows for propaganda purposes, this effect may tend to be reinforced.

Sanctions have generally been criticised for their indiscriminate nature, for it has been observed that there is no clear separation between those that it seeks to protect on one hand and those on whom it seeks to inflict punishment. Tostensen and Bull (2002:377) argue that comprehensive conventional sanctions also have been subjected to much criticism on grounds of political ineffectiveness and humanitarian bluntness. This position is further reinforced by Davidsson (2003) when he observes that the weapon of economic sanctions is incapable of discriminating between combatants and civilians. It is levelled at the (national) economy, composed mainly of the civilian population. Therefore, most criticism or limitation of sanctions as an instrument of coercion has been its blindness in terms of the damage that it inflicts even on innocent civilians.

On the other hand, sanctions require international cooperation to be effective, and in certain cases national interests prevail over the collective interest and consequently weaken the potential impact of sanctions on a recalcitrant state. Therefore, in situations where the costs of sanctions to neighbouring countries are high, there would be greater likelihood of “leakage” in sanctions implementation. This creates an environment in which the target state has ample opportunities for circumvention, ultimately weakening the pressure brought to bear by the sanctioning State or States (Tostensen & Bull 2002:378). In some cases, nations have resisted sanctions despite the huge cost associated with non-compliance, in particular where it threatened the sovereignty of a state.

The link between democratisation and sanctions has been a grey area, but most literature points to a disjuncture or contradictory evidence. There is thus broad agreement that because of their complexity, sanctions are problematic and have often produced paradoxical and contradictory effects (Tostensen & Bull 2002:378). In some cases, sanctions may produce results contradictory to the set goals and creating further complexities, which may undermine democracy. There is a tendency for sanctions to create a “rally around the flag” effect, buttressing the perceived autocratic regime and undermining democratic forces. Brooks (2002:3) argues that comprehensive sanctions are likely to be effective in democracies, but not in authoritarian regimes, where they may trigger a rally effect or merely impoverish the masses.

#### ***4.4.1 The Effectiveness of Sanctions against Southern Rhodesia and South Africa***

The effectiveness of sanctions in the Cold War period against Southern Rhodesia and South Africa is subject to much debate, considering that the sanctions imposed on these two States were strongly resisted by some western countries and that the sanctions remained in place for a long time. In the case of Southern Rhodesia, the SC itself agreed that a number of western States were failing in their obligations to apply them. The UNSC Resolution 232 under Chapter VII contained blunt language emphasising implementation obligation. The initial resolution in 1965 did not address the obligation on member States to report on their compliance to implement the sanctions. The Smith regime’s bustling survival years after 1965 was *ipso facto* proof that the sanctions did not work.

According to Strack (1978:237–238), the Rhodesian sanctions were not only ineffective in terms of policy changes, but they were also counterproductive, causing “the deterioration of a situation they were designed to alleviate”. Losman (1979:123–124) stated that the Rhodesian government’s willingness to negotiate for majority rule was due to the increased costs of war and the hostility of neighbouring States, but not to sanctions. In contrast, Baldwin (1985), in his *Economic Statecraft*, considered the sanctions against Rhodesia a success. He argued that there is a failure many authors with the wrong perception that sanctions must work quickly and by themselves bring out the objectives. He concluded that sanctions cannot be the only factor that brought down the Smith regime in Rhodesia, but they made a significant long-term contribution to black majority rule.

In the case of South Africa, while the international community was focusing on sanctions and embargoes, it seemed that the sanctions were clearly working against them. South Africa was the most stable country in the region, and most neighbouring countries depended on it. Imposition of sanctions would result in the other countries suffering even more than South Africa. Another obstacle was that companies could circumvent the sanctions. The problem with comprehensive sanctions is the willingness by corporations to cheat when they feel they had no say in the making of the original rule. In an effort to draw a conclusion as to the effectiveness of sanctions on South Africa, one is left in a difficult position. Rodman (n.d.) made it clear that sanctions did affect South Africa and to some degree influenced its decision to end apartheid. Many observers believe economic sanctions were marginally effective. Internal events such as boycotts, strikes, demonstrations and violence played a more significant role than sanctions did. Without doubt, the forces beyond South Africa’s government contributed to an end to apartheid. However, to determine the exact level that sanctions had contributed to that end may be contestable on either side, and yet one has mixed feelings that on one hand it helped create an international atmosphere which resulted in a concerted effort to stop apartheid. Yet on the other hand, the thriving economy of the South African government and the suffering of the Southern African region really provides disconcerting evidence as to their utility and effectiveness.

Sanctions effective in one setting may fail in another, depending on innumerable factors. Sanctions programmes with relatively limited objectives are generally more likely to succeed than those with major political ambitions. Furthermore, sanctions may achieve their desired economic effect, but they may fail to change behaviour. United Nations sanctions on Afghanistan in 2000 and 2001

exacted a heavy toll but failed to move the Taliban regime to surrender Osama bin Laden (Brooks 2002). Sanctions often evolve over time and a classic illustration of this is the US regime on Iran. Except for a brief period in the 1980s, Washington has had sanctions against Tehran since US hostages were taken in 1979. However, the scope of these measures and the logic behind them has changed dramatically (Smith 2004). The imposition of sanctions changes depending on the national interests of the imposers as well as how they align with the whims and expectations of the reigning administration.

#### ***4.4.2 Unintended Consequences Following the Imposition of Sanctions***

Over and above these considerations, it can be noted that economic sanctions may have unintended consequences. Alexander George, as cited in Smith (2004), discusses the potential “boomerang effect” of economic sanctions or “coercive diplomacy”, as others would portray them, when he suggests that Japan's decision to attack Pearl Harbour, and the subsequent entry of the United States into World War II, stemmed from economic sanctions: “The oil embargo the United States imposed on Japan in July 1941 was so credible and so potent that it quickly provoked Japanese leaders into making a very difficult and desperate decision to initiate war rather than capitulate to Washington's extreme demands that it get out of China and, in effect, give up its aspirations for regional hegemony in Southeast Asia.” Similarly, Smith (2004), citing Louis Kreisberg, suggests that sanctions can widen the conflict as well as adding to its destructiveness, and sometimes extend it. Sanctions are also destructive to the targeted societies. A 1999 study suggests that post-Cold War sanctions may have contributed to more deaths than all “weapons of mass destruction” used throughout history. In Iraq, for instance, it has been estimated that hundreds of thousands of children died between 1991 and 2001, in part as a result of sanctions. Such effects weaken the political support necessary for effective trade bans. In Iraq's case, there were significant fluctuations in international support for the decade-long sanctions.

Another problem with sanctions is that threats cost more when they fail because the sender must follow through with a punishment. A larger threat is likely to be cheaper, because it is less likely to fail. To reduce potential costs, a sender may build up a threatened punishment, thinking that otherwise it will fail. As a result, senders may overdo the level of threat needed for a situation. Additionally, threats inherently cause stress and can affect one's rationality or problem-solving capacity. They can also generate resistance. There is a difference between opposition to an outside

attempt to influence and opposition *generated* by the attempt to influence. Often, the target would rather face a threat than be perceived as weak by giving in to a threat. Sanctions convey a message of indifference and hostility. Furthermore, when senders impose sanctions on a target, the target is much more likely to impose sanctions on the sender when given the chance. In further capturing the effectiveness of economic sanctions in the Cold War era, it can also be noted that rather than having a pacifying effect on the targeted actor, sanctions then strengthen a leader's domestic support. The sanctions that were imposed upon Ian Smith's UDI in the 1960s actually enabled him to gain domestic support as he bolstered the economic performance of the then Rhodesia. By and large, the performance of Rhodesia was made better than it had been earlier, before the sanctions.

Outside pressure can also be used by leaders to ignore domestic troubles, placing the blame for economic instability on the outsider, and providing political cover to repress domestic dissidents further, while directing resentment towards those who have imposed the sanctions. This has been the chorus by the Zimbabwean Government since the early 2000s, and they have always directed resentment toward the West, who in this case are the imposers of those sanctions. In addition to the above, some scholars, such as Daniel Fisk (2000: 65), conclude that "economic sanctions are a policy instrument with little, if any, chance of achieving much beyond making policy-makers feel good about having done something for a particular domestic community". In this vein, economic sanctions tend to benefit the imposers more by exhibiting some form of punishment and ruthlessness on the receiving country.

#### ***4.4.3 Trends in the use of Sanctions in the Transitional period from the Cold War Era to the Post-Cold War period***

The end of superpower rivalry in the Cold War coupled with the emergence of new conflicts and challenges changed the focus of sanctions policies but did not diminish their use (Peterson Institute for International Economics 2004:138). Implied here is the fact that sanctions were continuously used even after the Cold War though however, their focus and magnitude as well as dimensions had changed and shifted. In chronicling the historical dominance of the superpowers and their key role in the imposition of economic sanctions in the post-Cold War era, it can be noted that the United States continued to be the predominant sender country and a few high profile United States cases were launched unilaterally in the 1990s for example, the non-proliferation sanctions against India and Pakistan. Peterson Institute of International Economics (2004:140) avers that reflecting

its roles as economic hegemony and political and military superpower in the decades following World War II the United States attempted to impose its will on many countries through the use of economic sanctions, seeking broad array of objectives. By comparison, the Soviet Union generally confined its use of sanctions to efforts at keeping rebellious allies in line.

The Peterson Institute for International Economics (2004:141) asserts that over the succeeding decades, the objectives of economic sanctions have evolved and widened sometimes to act as a substitute for war; sometimes to signal that military conflict lies around the corner; sometimes to achieve lesser changes in target country policy such as freeing political prisoners and sometimes merely to placate domestic constituencies in the sender nation. Over the past century, the types of sanctions have also evolved and widened from prohibitions on merchandise imports and exports, to multiple forms of financial restraint, to measures aimed only at select members of the governing class (Peterson Institute for International Economics 2004:141).

The sanctions imposed during the 1990s were pre-eminently comprehensive trade embargos which were enforced on States such as Iraq, Yugoslavia and Haiti. These had little effect in changing the States' policies and, additionally, caused immense suffering among their populations. The failure to change behaviour, combined with their capacity for inflicting suffering on civilians, led scholars to reassess the use of such all-encompassing methods at the turn of the century. The proposed alternatives were called 'smart' sanctions. These specifically aimed at the elite, and their supporters, within a target state. The hope was that smart sanctions would be more effective as they put pressure primarily on leaders while solving the humanitarian problems encountered with comprehensive sanctions. A decade later, these hopes have not come to fruition.

In highlighting the post-Cold War use of sanctions, Smith (2004) made the following remarks:

After the Cold War, the UN Security Council ordered sanctions against a number of countries, Afghanistan, Angola, Haiti, Iraq, Serbia, Somalia, Sudan, and others. Their violations include external and internal aggression, support of terrorism, and suppression of democracy. Also during this time, the United States rose to unprecedented international power, giving greater authority to its unilateral sanctions. The United States' economic strength, combined with a reluctance to deploy its military force to address economic, moral, or political problems resulted in a sharp increase in unilateral sanctions. In 1998, one commentator estimated that "two-thirds of the world's population [was] subject to some sort of US sanctions". However, the United States has not been the only nation to employ economic sanctions. In addition to thousands of single-nation bans and proposals, the increasingly viable European Union has been sponsoring its own brand of sanctions.

In a related development, Kaempfer and Lowenberg (2000:2) observe that it is a reasonable generalisation to characterise international economic sanctions as overused, ineffective, and unfair; they further argue that sanctions are overused, as demonstrated by the unwieldy number of sanctions episodes currently in force. They are ineffective given the number of seeming failures in sanctions policy. There is emerging consensus that sanctions as tools of statecraft have generally failed to be effective. This debate is further captured by Pape (1997; 1998), Elliott (1998) and Baldwin (1998 and 2000), where they quiz the utility of sanctions as a tool of statecraft. Therefore, it can be argued that despite their continued use, there is an emerging consensus that they are either redundant or need to be revised if they are ever to be effective. Barber (1979:367) and Doxey (1980:9, 125) share the same pessimism on the utility of sanctions and argue that they are more dependent on the link between economic pressure and political goals despite the fact that sanctions have goals which may be elusive and at the same time unrelated to the economic stress that sanctions cause.

In presenting the debate of how uncertain sanctions can be as a tool to whip nations into line in relation to the post-Cold War era, Jentleson (n.d.:125) noted the following:

The uncertainties of the sanctions efficacy debate have become even more problematic in the post-Cold War era because of the frequency with which sanctions are used, as a veritable weapon of choice, in many different cases by many different actors. Some cases have involved the United States acting unilaterally; others have involved multilateral action by the UN and regional organizations such as the Organization of American States and the Organization for African Unity; still others have involved other international actors, as with Greece against Macedonia and Russia against various ex-Soviet States. All told, sanctions have been used in pursuit of a broad range of objectives related to international conflict prevention, conflict management, and conflict resolution. Yet as one recent study put it: "Contemporary scholarship and policy analysis [lag] behind the current plethora of sanctions episodes ... [and] scholars and policy makers readily acknowledge that judgments about current sanctions cases are made on the basis of ill-defined generalizations." Of course, there cannot be a single theory or strategy, foolproof and universal. But we can do better in developing middle-range and conditional generalizations that balance the desirability of parsimony of explanation with the complexity of the range of factors that affect the policy utility of sanctions.

In another study, Chingono (2010:193) observes that the most comprehensive study of all time on the effectiveness of sanctions is the one by Hufbauer et al. (1983); which States that 49% of the cases studied revealed that democratisation was the major goal of sanctions. Therefore, the link between sanctions and democratisation, and in particular whether causality does exist, is paramount to this study. However, Pape (1997:92) contends that sanctions are generally

ineffective. Along with Pape (1997), my study challenges the emerging optimism about the effectiveness of economic sanctions. The decisive question I ask is whether economic sanctions are an effective tool for achieving international political goals, and if so, under what conditions.

Meanwhile, Bowden and Farrall (2007:1) observe that the mandate to impose sanctions lies with the United Nations and the legal basis of UN sanctions can be found in the UN Charter, Chapter VII, Articles 39–42, which empowers the UN to maintain or restore international peace and security through various enforcement measures, including sanctions and the use of military force. This mandate has gradually been broadened to permit the institution of measures to deal with massive human rights violations, breaches of international humanitarian law, transgressions of democratic rule, and acts of aggression where military forces have crossed national borders (Tostensen & Bull 2002:374). According to Article 41 of the UN Charter, these sanctions may include “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations” (Bowden & Farrall 2007:1). However, the application of sanctions in international relations has been in some cases either unilateral or collective action against a state considered to be violating international law designed to compel that state to conform [to the law] (Daoudi & Dajani 1983:5–8). Furthermore, according to Bowden and Farrall (2007:1), sanctions can be collective, as in the case of mandatory UN sanctions imposed by the UN Security Council or the European Union; or they can be bilateral, as in the case of measures currently applied against Zimbabwe and Fiji by the Australian (and other) governments. Another illustration is the Zimbabwe Democracy and Economic Recovery Act (ZDERA). Therefore, the UN, a regional organisation or a country may impose sanctions to register its displeasure or demand certain behavioural change from the sanctioned state, and this may involve a range of measures.

By and large, sanctions have traditionally been used as an instrument to achieve political objectives. Paramount to the use of sanctions has been the exertion of economic pressure that will lead to compliance from the sanctioned state. While there is a finely veiled line between political and economic sanctions, it should be noted that this difference is bifurcated. Barber (1979:1) observes that economic sanctions are economic measures directed to political objectives. They are normally supplemented by other measures, such as the severance or restriction of diplomatic and cultural ties. Moreover, Davis and Engerman (2003:187) observe that sanctions include the

withholding of diplomatic recognition, the boycotting of athletic and cultural events, and the sequestering of property of citizens of the targeted country.

This second tier usually pertains to political sanctions. They further contend that the forms of sanctions that attract the most attention and that are likely have the greatest impact are composed of various restrictions on international trade, financial flows, or the movement of people (Davis & Engerman 2003:187). In assessing the efficacy of sanctions, it is imperative to understand the objectives of sanctions and to measure their efficacy as a policy of statecraft within a given realm. Sanctions have three objectives (primary, secondary and tertiary):

- *Primary goals:* to encourage democracy, stop human rights violations and suppression of internal opposition; enforce peace agreements; assist in the pursuit of individuals for prosecution before international courts; ensure compliance with treaty obligations;
- *Secondary goals:* to promote the sanctioned state's reputation domestically and internationally; and
- *Tertiary goals,* to maintain international structures and norms (Sitt et al 2010:24, see also Barber 1979:368–73).

Therefore, in some cases, sanctions may be successful in secondary objectives while they are a failure in the primary objectives.

Meanwhile, Collins (2009:71) posits that the literary corpus on economic sanctions extends back well over two thousand years, as Thucydides examined in 431 BC the role of the Athens embargo on Megara as a catalyst for the Peloponnesian War. On the other hand, Davis and Engerman (2003:188) observe that in the nineteenth century, economic sanctions consisted primarily of pacific blockades that involved the deployment of a naval force by a country or a coalition of countries to interrupt commercial intercourse with certain ports or coasts of a state with which these countries were not at war. Although most naval blockades involved wars, pacific blockades (a term originated in about 1850 to distinguish those blockades within a declared war from those between nations legally on peaceful terms) evolved gradually over time as a coercive tool, short of war, designed to compel recalcitrant nations to pay their debts (often reparations) and to settle other international disputes. These sanctions episodes were more of a bilateral nature as by then there was no formal platform or world body to institute sanctions and implement them. The formal

legal discussion of the legitimacy of pacific blockades, or sanctions more generally, occurred only with the formation of the League of Nations in the twentieth century, and then later of the United Nations. For the League of Nations, the power to deploy sanctions was primarily embodied in Article 16 of the League's Covenant, which authorised collective economic and military action against a state that resorted to war in disregard of the League's Covenant (Davis & Engerman 2003:189). Thus the subject of sanctions dates long back in history, but for the purpose of the study, the focus is more on the sanctions applied from the twentieth century. Collins (2009:72) argues that the analysis of economic sanctions employing rigorous social science methodology did not appear, however, until the mid-twentieth century when in 1945, Albert Hirschman investigated one of the first rigorous theoretical explorations of economic sanctions in “National Power and the Structure of Foreign Trade”.

In much the same way, trends in the use of sanctions throughout the 1990s and early 2000s are by no means clear cut. Their mapping is muddled by the lack of a commonly accepted definition of what constitutes economic sanctions. Far from being a semantic of no consequence, the definition one adopts determines whether the 1990s are seen as a period of sanctions mayhem or, in the view of Senator Jesse Helms, whether counting any restrictions on US economic activity with country for any purposes such as limiting imports of tuna from Mexico for environmental reasons as a sanction is likely to lead to the first conclusion insisting that only nearly comprehensive embargoes imposed political reasons constitute a sanction lends itself to the opposite judgement. Similar discrepancies about what percentage of the World's population is “under sanctions” reflect the same lack of common currency in defining sanction. Neither definition at either end of the spectrum is technically wrong, although there is no question that each has been employed in a calculated manner by groups arguing for either a rollback of unilateral sanctions or a continuation or extension of their use. The number of times the US imposed new sanctions against States rose significantly in the early part of the decade yet declined as the decade wore on. Between 1990 and 1996 the US imposed almost fifty sanctions against States, while it imposed fewer than ten new such sanctions in the last four years of the decade.

In addition to the increase in the number of times sanctions were initiated, the range of goals pursued with sanctions broadened, just as the type of entities subject to sanctions expanded. At the same time, congressionally legislated sanctions became as common as their counterparts mandated

by their executive branch. Political and economic circumstances have long influenced American enthusiasm for economic instruments to pursue security goals. As argued by Michael Mastanduno, during the Cold War, the willingness of the US to use economic power to pursue strategic political goals depended largely on how it viewed the international system and the position of the US economy relative to that of the rest of the world. Policymakers were willing to use economic tools to advance foreign policy goals at a time when the United States saw the world as threatening and unstable, yet believed its own economic position was unassailable. During the immediate post-World War II period when United States faced uncertain threats and weak allies but basked in its economic dominance, policy makers used financial assistance under the Marshall Plan, and transfers of technology and differential access to US markets to stabilise Europe and parts of Asia and cement American influence abroad. Efforts to economically isolate the Soviet Union were also critical elements of US foreign policy during that time. The international system seemed stable and orderly, while Americans noted surging economies in other parts of the world and feared a major US economic decline.

Notably, the United States moved from using economic instruments primarily for strategic political purposes in many arenas; economic instruments were instead preserved for the pursuit of strategic economic goals. The world has changed dramatically since that time, yet economic and political factors and perceptions continue to shape decisions with regard to America's use of economic tools. At the turn of the millennium, globalisation and American pre-eminence were the realities influencing how vigorously the United States used economic tools to further its strategic aims. New political and economic realities in the 1990s and early 2000s changed the menu of goals pursued with sanctions, not only by adding new entries, but also by removing old ones. During the Cold War, sanctions often were used as a means of conveying US resolve against communism, both to reassure American allies on the front line with the Soviet Union and to deter countries and factions within them from embracing communism. US sanctions on Cuba during this period, although unsuccessful in dislodging Fidel Castro, served purposes. However, in a world devoid of superpower threats to the United States, a unipolar world, old sanctions were more difficult to justify solely along these ideological lines, while new sanctions episodes could no longer be advocated for such purposes.

The United States often used sanctions against States to constrain or influence the external behaviour of a country or to destabilise a regime. Sanctions were rarely called upon to alter the internal behaviour of regimes, with the notable exception of a period in the 1970s when the Carter administration placed improving human rights at the centre of its foreign policy and used sanctions to advance this cause. Since 1990, the majority of non-UN sanctions imposed by the United States against state actors have had the aim of changing the domestic conduct of the target. In contrast, post-1990 economic and political changes opened the door for both supra- and subnational state actors to influence the shape of the world. The collapse of superpower rivalry offered the United Nations a new opportunity to exert itself on the global stage. No longer hamstrung by the zero-sum manoeuvres of Moscow and Washington, the international body offered a newly effective vehicle to address global concerns. At the other end of the spectrum, the influence of subnational state actors on the international politics also sky rocketed as globalisation gave them new tools to create and maintain worldwide networks and new mechanisms with which to influence global events. In view of that, the Peterson Institute of International Economics (2004:147) observes that economic sanctions are still working hard to resolve old challenges while reaching out to address new problems; beyond their utility in resolving the immediate conflicts and disputes, economic sanctions signal that a watchdog – usually the United Nations, the United States or the European Union – may step in to penalise future behaviour.

As observes above, prior to 1990, the United Nations Security Council imposed sanctions against just two States: Southern Rhodesia (1966) and South Africa (1977). However, since the end of the Cold War, the body has used sanctions more than twenty times, most often targeting parties to an intrastate conflict, as in Somalia, Liberia, and Yugoslavia in the 1990s. But despite this cooperation, sanctions are often divisive, reflecting the competing interests of world powers. For instance, since 2011, Russia and China have vetoed all four Security Council resolutions concerning the conflict in Syria, some of which could have led to sanctions against President Bashar al-Assad's government. Here again, it cannot go without mention that the Syrian conflict has brought into focus the role that is played by national interests in the imposition of economic sanctions against the target state. Some scholars and media commentators have observed that the overthrow of Bashar al-Assad's government was of critical importance for the USA and her European allies as a stepping stone towards the overthrow of the Iran government, which is deemed to be hostile to USA and European allies' interests in the Middle East. On the other hand,

Russia and Iran are involved in the Syrian conflict in support of President Bashar al-Assad's government for their own strategic national interests in the Middle-East.

#### **4.5 Conclusion**

Economic sanctions are a tool of a state's foreign policy that have been used frequently for the last 20 years since the fall of communism and championed as the humane alternative to war. Despite their prevalent use, they have conclusively failed in their stated purpose. Sanctions almost never succeed in stopping or changing the unethical behaviour of target States, particularly when enacted over long periods of time or through multilateral actions. Sanctions are not cost free from an ethical perspective. Comprehensive sanctions especially cause great pain and suffering to the innocent and weak within the sanctioned state's population, as seen with the humanitarian disaster that was Iraq. Smart sanctions have mitigated the worst impacts on civilians but still carry costs that may be difficult to justify when weighed against their comparatively miserable efficacy. The only way economic sanctions make sense is if we view the power of sanctions as symbols in a constructivist light rather than their bare political form. Then, arguably, there is a place for sanctions as a means of shaping international ethical norms for the better.

This chapter basically presented an exploration of the United Nations' application of economic sanctions during the Cold War, where it highlighted issues such as the UN maintaining uneasy peace, the analogue of the Cold War ideologies, and the dynamics surrounding the application of economic sanctions. In these scenarios, it was noted that there was reluctance in the use of sanctions during the Cold War era as the countries would circumvent or bypass the sanctions and continue with their trade. This was an upshot of the diverse and distinct ideologies (communism and liberalism) that characterised power relations during this particular time. In highlighting the dynamics surrounding the imposition and usage of sanctions, the chapter categorically presented that economic sanctions were increasingly applied during the beginning of the 20th century as some of these economic sanctions were enshrined in the United Nations Charter system in Chapter IV. The chapter presented an evaluation of the effectiveness of the application of the United Nations sanctions in the Cold War environment where it noted that sanctions have failed as an instrument to change behaviour and are not free of ethical costs as they impact on innocent civilians. Lastly, the chapter outlined the post-Cold War trends and the use of economic sanctions where it traced the nature and severity of sanctions imposed by the UN. It was noted that sanctions

that were imposed during the 1990s were pre-eminently comprehensive embargoes which had little effect in changing the policies of the target State(s) and achieved little except causing immense suffering to the populations of the respective target State(s) that were the victims of those economic sanctions. As we shall in the following chapter, the senders' motives on the imposition of economic sanctions against the target state differed remarkably after the Cold War.

## **CHAPTER FIVE: A CRITICAL ANALYSIS OF ECONOMIC SANCTIONS AFTER THE COLD WAR ERA**

### **5.1 Introduction**

This chapter captures the dimensions of economic sanctions that were applied after the Cold War era which are noted as both smart and comprehensive in nature. Smart sanctions serve as the precision-guided ammunition of economic statecraft and consist of arms embargoes, targeted financial sanctions, travel bans, restrictions on flight connections, representative restrictions, freezing of assets, and restrictions on particular goods and services, notably certain natural resources and processed commodities such as diamonds, timber, oil, arms, and spare parts of specific products (see Davidson 2003; Portela 2014). Comprehensive sanctions tend to have a humanitarian effect on the civilian population as they can lead to the destruction of infrastructure as well as annihilation of the people. Comprehensive sanctions are more efficient than smart sanctions. However, since they are too destructive for the ends to justify the means, they are considered too unethical to be implemented. Using the ethical view of sanctions, the problem of ethics, and the need for efficient tools for economic statecraft led to the development of smart sanctions.

In addition, the chapter also focuses on the role and usage of smart sanctions where it notes that smart sanctions seek to alter the behaviour of precise actors by hurting elite supporters of the targeted regime as well as the targeted regime itself, while imposing minimal damage on the population. In addition, the chapter presents a resourceful discussion of the usage of smart sanctions across the selected parts of the world. Problems associated with the usage or imposition of smart sanctions hinging on their arduous nature will also be captured. In line with this, further examination and analysis will be undertaken in respect of difficulties associated with the identification of the target actors, determining which resources should be subjected to sanctions, and counteractions of the targeted sanctions, among others.

As indicated in earlier sanctions, the rationale behind the imposition of economic sanctions after the Cold War will also be highlighted. In this vein, economic sanctions as a mechanism for enforcing international humanitarian law will be covered. Since most of the crises facing the world in the post-Cold War era had humanitarian roots, and as such, humanitarian disasters prompted humanitarian support. The imposition of economic sanctions therefore forces countries to comply

with and uphold international humanitarian laws, principles and conventions. Economic sanctions as an ethical tool for conflict prevention will also be captured. Economic sanctions are non-military measures that restrict or put an end to normal international economic exchanges with a state or a non-governmental group for the purpose of compelling, denying, or deterring political or military behaviour by the targeted government or group. Economic sanctions are meant to restore international peace and security.

In addition, economic sanctions as a measure for combating terrorism will also be highlighted, where terrorism is considered as an instrument in the hands of weaker actors in their war against stronger systems such as States. After the Cold War, terrorist networks with an ethnic or religious base increased their grassroots capacities. Terrorism led States to devise methods for fighting against it; hence economic sanctions were used as a foreign policy tool before enforcing behaviour modification on countries that were suspected of actively supporting international terrorism.

## **5.2 A Paradigm Shift from Comprehensive Sanctions to Smart Sanctions**

Powerful countries, regional organisations and the United Nations have in various instances resorted to the use of economic sanctions as a foreign policy tool to influence behaviour modification in the targeted States. Many scholars have maintained that economic sanctions are used as a tool of foreign policy by many governments. Economic sanctions are therefore usually imposed by a powerful country upon a weaker one mainly for two reasons – either the latter is a threat to the security of the former nation, or that country treats its citizens unfairly. Moving on, as observed by Decaux (2008:1): “Since the emergence of the state system, States have, either individually or collectively, adopted a range of reactions against the perpetrator of an internationally unlawful act in order to ensure respect for and performance of a right or obligation.” Accordingly, Leyton-Brown (1987:1) opines that international economic sanctions have recently enjoyed an upsurge of governmental and public attention because over the last few decades, various governments, but especially those of the United States and other Western countries, have imposed or threatened economic sanctions in a wide variety of conflicts.

Sanctions, while a form of intervention, are generally viewed as an alternative to military force – a lower-cost, lower-risk, middle course of action between diplomacy and war. Sanctions are sometimes referred to as coercive diplomacy. Countries are exposed to coercion in their bilateral

and multilateral relations by their more powerful counterparts. There have been more frequent demands from the general public for the imposition of sanctions against foreign targets. Decaux (2008:1) notes that “sanctions are generally a legal policy tool under international law only if sanctioned by the United Nations (UN)”. In the UN charter, sanctions are set out in Chapter VI as a peaceful means of settling inter-state and intra-state disputes as well as ways of changing the behaviour of rogue States. In line with this, policymakers may consider sanctions a response to foreign crises in which the national interest is less than vital or where military action is not feasible.

According to Baldwin (1990), economic sanctions are defined as the withdrawal of customary trade and financial relations for foreign and security policy purposes. They may be comprehensive, prohibiting commercial activity with regard to an entire country, such as the longstanding US embargo of Cuba; or they may be targeted, blocking transactions of and with particular businesses, groups, or individuals. Accordingly, Smith (2004) points out that since 9/11 (11 September 2001, when the terrorist group Al Qaeda targeted various areas in the eastern United States, causing massive destruction and loss of life), there has been a pronounced shift towards targeted or so-called “smart” sanctions, which aim to minimise the suffering of innocent civilians. Sanctions take a variety of forms, including travel bans, asset freezes, arms embargoes, capital restraints, foreign aid reductions, and trade restrictions. (General export controls, which are not reactive by nature, are often excluded from sanctions discussions.)

On the one hand, international economic sanctions are deliberate Government actions to inflict economic deprivation on a target state or society through the limitation or cessation of customary economic relations which involve trade and financial measures, including controls on exports to the target, restrictions on imports from the target, and interruption of official or commercial finance such as cutting off aid or freezing assets (Leyton-Brown 1987). Nossal (1987), cited in Leyton-Brown (1987), explains that by economic sanctions are meant those instruments of national policy intended to deprive other target States of the benefits of economic intercourse in order to effect a change in the target state’s behaviour. These practices have come to be known as smart sanctions as they complement the overall punitive efforts of the sending countries. On the other hand, economic sanctions can be part of an overall war effort, where the interest is in economic sanctions as an alternative to military force, rather than a complement to it. This captures the comprehensive dimension of economic sanctions.

### *5.2.1 Development and Use of Smart Sanctions*

Nowadays, after the different criticisms against comprehensive sanctions, because of their humanitarian effects on the civilian populations, and more particularly after the comprehensive sanctions episode against Iraq in the early 1990s, the trend is to use smart sanctions. Smart sanctions, also defined as targeted sanctions, are “the precision-guided munitions of economic statecraft” (Drezner 2010:2). There is a variety of actors, a range of legal entities included, that are targeted by smart sanctions. They can be individuals such as, for instance, key decision makers, government officials, or family members of these individuals; military organisations, ranging from conventional armed forces to guerrilla forces; political organisations; corporate entities from both private and public sectors; and other non-state entities. These entities can be targeted by smart sanctions simply because of the exercise of some activity prohibited by the UN Security Council or their suspected relationships with terrorist organisations (Drezner 2011:97; Watson Institute for International Studies (WIIS) 2006:21). Moreover, they can also be targeted because of their support for primary targeted entities.

The aim of smart sanctions is to alter the behaviour of precise actors (Wallensteen, Eriksson & Staibano 2003:91). Defenders of targeted sanctions claim that “economic coercion has had such a poor past record of success because they have often missed the locus of the target state’s offending policies: the policy elite”. As a consequence, the objective of smart sanctions is to hurt elite supporters of the targeted regime as well as the targeted regime itself, while imposing minimal damage on the population (Drezner 2010:2). In this perspective, smart sanctions are directed not only against the above-referred entities but also against resources that are indispensable for the targeted regime’s rule. The focus on specific actors and specific resources constitutes the key feature of targeted sanctions (Wallensteen et al. 2003:iii, 91).

Smart sanctions consist of arms embargoes, targeted financial sanctions, travel bans, restrictions on flight connections, representation restrictions, freezing of assets, and restrictions on particular goods and services, notably certain natural resource and processed commodities such as diamonds, timber, oil, arms, and spare parts of specific products (Drezner 2010:4; Wallensteen et al. 2003:91). They should be used only when the domestic political economy of the target country is conceivable. Moreover, smart sanctions are commonly used either as incentives to change behaviour or as preventative measures. It is argued that by affecting the material inducements of

powerful supporters, the latter will eventually press the targeted authorities into making concessions. Indeed, smart sanctions should increase the target country's costs of non-compliance while averting the collateral hardship that comprehensive trade embargoes imply (Drezner 2010:2–4).

Moreover, smart sanctions were the subject of a dialogue at the international level between 1998 and 2003. Indeed, a series of conferences on smart sanctions, where delegates from the United Nations, government and the private sector regrouped, started in 1998. This series of conferences, the aim of which was to determine methods of applying sanctions in a more efficient and targeted way, constituted a period of reflection on smart sanctions. In total, three so-called processes took place: the Interlaken Process, the Bonn-Berlin Process, and the Stockholm Process. Each process focused on an aspect of smart sanctions. The Interlaken Process dealt with issue of targeted financial sanctions while the Bonn-Berlin Process concentrated on arms embargoes, travel bans and aviation sanctions. Finally, the Stockholm Process focused on the practical feasibility of implementing and monitoring targeted sanctions.

Thanks to the development and use of targeted sanctions, many policy-related problems that had been created previously because of the use of comprehensive trade sanctions have been solved. Targeted sanctions serve now as a key instrument for policy coordination among the medium and great powers as well as for the global civil society (WIIS 2006:5–6). Their performance can be evaluated by looking at the humanitarian costs and state compliance's results obtained with the use of smart sanctions compared to the use of comprehensive sanctions (Drezner 2010:6.). Moreover, as Drezner observes: “The evidence provides moderate support for smart sanctions being more humane but less effective than more comprehensive measures. Recent research on the impact of economic coercion in the target country would appear to support the humanitarian arguments in favor of smart sanctions” (Drezner 2010:6–7).

Traditionally, sanctions prohibit only a home country's or region's corporations and citizens from doing business with a blacklisted entity (unlike UN sanctions, which are global by nature). However, extraterritorial sanctions (sometimes called secondary sanctions or a secondary boycott) are designed to restrict the economic activity of governments, businesses, and nationals of third countries (Carter, Lettre & Smith 2001; Crumm 1995; Fisk n.d.; Smith 2004). As result, governments typically consider these sanctions a violation of sovereignty and international law.

The controversy came to a head in the mid-1990s after President Bill Clinton signed the Cuban Liberty and Democratic Solidarity Act (Rodriguez 2016). The law, which strengthened the embargo on then-President Fidel Castro's regime, permitted US companies and individuals to sue foreign entities that trafficked in confiscated US property. In retaliation, Canada, Mexico, and the European Union all passed mitigating laws or regulations. Most US allies have said they will not recognise secondary sanctions. In recent years, the reach of US sanctions continued to draw the ire of some close allies. France's leadership criticised the US prosecution of BNP Paribas as "unfair" and indicated there would be "negative consequences" on bilateral as well as US-EU relations. "The extraterritoriality of American standards, linked to the use of the dollar, should drive Europe to mobilize itself to advance the use of the euro as a currency for international trade," said Finance Minister Michael Sapin (Jones & Portella 2014).

The collapse of the Soviet Union allowed the United Nations to act more aggressively in international affairs and led to an increasing use of economic sanctions (Elliott & Hufbauer 1999:403). The end of tension between East and West allowed the United Nations to play its role actively within the international community. All the cases of UN sanctions during the 1990s were directed against authoritarian or totalitarian regimes, which are able to command the country's resources almost without opposition in dealing with the effects. In addition, they are able to hide the sender's purposes in imposing the sanctions. Certainly, the leaders desire a situation where the sanctions are lifted, but that is not the same as stating that the sanctions have not had the political effects intended. Often the demands from outside mean that a regime will have to step down or that it has to abandon a central element of its internal or international policy. Such shifts are more difficult to contemplate, and the economic costs to the country may appear, to the leaders, to be smaller than the changes in a central policy concern would be. The trade-off too often speaks in favour of defiance.

As the negative externalities of comprehensive trade sanctions became apparent in the 1990s, many scholars have advocated for smart sanctions (Weiss 1999; Cortright & Lopez 2002a, 2002b; Brzoska 2002; Wallenstein & Staibano 2005). Ostensibly, smart or targeted sanctions are the precision-guided munitions of economic statecraft. They are designed to hurt elite supporters of the targeted regime, while imposing minimal hardship on the mass public. By altering the material incentives of powerful supporters, the argument runs, these supporters will eventually pressure the

targeted government into making concessions. The history of targeted sanctions as a policy tool is, in many ways, a rare success story of fruitful collaboration between scholars, policymakers, and diplomats. The smart sanctions approach has been accepted as an example of “best practices” in both the United Nations and the United States. In line with this, Nossal (1987), cited in Leyton-Brown (1987:15), asserts that if economic sanctions are employed in a political context, as, for example, under the Charter of the United Nations, these universal sanctions will atrophy as a means towards that larger end of the maintenance of peace, order and security in the international system. In this perspective there is a need for wide consensus – a sufficient consensus to produce no negative vote from one of the permanent members of the Security Council. Only then will the international organisation be able to impose universal sanctions on offending States.

United Nations economic sanctions during the 1990s have been defined as a “tool for all seasons”. Leyton-Brown (1987:2) connotes that at times it appears that economic sanctions are being looked upon as an instrument of first resort – any easy way out for governments anxious to act, and to be seen to act, whether or not economic sanctions can or do achieve the objectives claimed for them. Powerful countries relied and still rely on the imposition of sanctions on weaker States in order to force them to act in a way that the powers desire and expect them to do. Indeed, after the end of the Cold War, a broad and growing range of situations has been determined by the United Nations Security Council as threatening or breaching international peace and security. The Security Council, while occasionally authorising the use of military force (Iraq, Somalia, Bosnia and Herzegovina, Rwanda), has more often utilised non-military measures in order to enforce compliance with its decisions. Examples go from the invasion of Kuwait by Iraq and the later discovery of the latter’s arsenal of weapons of mass destruction during First Gulf War era, to the conquest of territory by force and gross violations of humanitarian law in the case of the Federal Republic of Yugoslavia; and from the support of international terrorism in the case of Libya, Sudan and Afghanistan’s Taliban, to particularly vicious civil wars in countries such as Somalia, Liberia, Sierra Leone and Rwanda (Doxey 2000). In the extreme case of Haiti, the breakdown of democratic governance, coupled with massive violation of human rights, was the trigger for the imposition of sanctions.

The decade between 1990 and 2000 is even claimed by Hove (2012) as the ‘sanctions decade’. Hove argues that “[i]t would be befitting to refer to the post-Cold War era as the sanctions era.

Several sanctions regimes were adopted by the Security Council from 1990 to the present". The dominant trend in UN policy making has been the shift away from general trade sanctions toward more targeted and selective measures. Since 1994 all UN sanctions have been targeted. Financial sanctions, travel bans, arms embargoes, and commodity boycotts have replaced general trade embargoes as the preferred instruments of UN policy. The sweeping counter-terrorism measures adopted in SCR 1373 (2001) continued this trend, imposing targeted financial, travel, and other restrictions on terrorists and those who support them. Leaders can in certain circumstances impose sanctions hurriedly in a bid to buy supplementary time to weigh up and set up more castigatory action. For example, the UN Security Council imposed comprehensive sanctions (PDF) against Iraq just four days after Saddam Hussein's invasion of Kuwait in August 1990. The Council did not authorise the use of military force until months later. The imposition of the sanctions was a preparatory gesture that paved way for the adoption and implementation military force.

What is thus remarkable is the increased willingness of the Council to determine that internal situations which do not materially threaten international peace in the sense of being likely to provoke an international armed conflict meet the requirements of Article 39 of the UN Charter. In particular, massive violations of human rights and humanitarian law, as well as massive displacement or suffering of civilian populations deriving from or increased by internal armed conflicts (with or without external support), have prompted the Council to take action under Chapter VII. In a parallel development, the Council has on several occasions based its finding of a threat to the peace and the consequent imposition of sanctions on a determination of a violation by the target state of legal obligations of fundamental importance for the international community. Examples go from the act of aggression and the other grave violations of international law committed by Iraq, to the massive violations of humanitarian law and basic human rights committed in the former Yugoslavia.

In capturing the practical cases where the deployment of economic sanctions was seen to be successful, Shane Smith (2004) noted the following:

On December 21, 1988, Pan Am Flight 103 disintegrated in the skies over Lockerbie, Scotland, after a bomb ripped a hole in its fuselage. The Qaddafi regime of Libya was accused of the attack and of harboring two suspects, Amin Fhimah and Abdelbaset al-Megrahi. Led by the United States, the United Nations Security Council passed resolutions that threatened international sanctions including military embargoes and prohibiting the sale of industrial equipment to Libya unless it handed over

the suspects. Qaddafi resisted for years, but in 1999 succumbed to global pressures. The trial found al-Megrahi guilty of the murders, while his colleague was acquitted. Other examples of the effective use of sanctions include South Africa where it is thought that international sanctions isolated the government and helped bring its policies of apartheid to an overdue end. Similarly, global sanctions placed on Serbia, after Slobodan Milosevic's cruel campaigns in Bosnia and Kosovo, helped bring about Milosevic's downfall and subsequent extradition to face an international war crimes tribunal (Smith 2004:3).

In such a scenario, the UNSC used sanctions in a bid to expose war criminals who perpetrated gross atrocities. The Security Council has utilised a variety of non-military measures under Article 41 of the Charter. In the case of Iraq, the Federal Republic of Yugoslavia (Yugoslavia) and Haiti, the Council imposed a full commercial and financial embargo, complemented by measures such as a flight embargo and prohibition of participation in sporting events. In most other cases, however, the Council has been more selective. In the case of Resolutions 748 (1992) and 883 (1993) on Libya, for example, prohibition of flights to and from that country was supplemented by the obligation to freeze Libyan assets and the prohibition on exporting oil-related equipment. In the cases of Angola, Haiti and Sudan, the authorities considered responsible for the occurrence of a threat to the peace were targeted through, among other things, limitations to their movements outside their countries. In a remarkable number of cases of civil war, as noted above, the Council imposed an arms embargo against the country concerned, not so much to target one of the parties to the conflict as to prevent the escalation of the conflict by stemming the flow of weapons to all the parties.

The practice of the Security Council during the 1990s shows a growing inclination to target sanctions, either by imposing a limited range of measures or by trying to affect decision makers directly by, for example, providing for the freezing of individual bank accounts or the prohibition of entry visas, as in the case of Haiti. The conditions for the entry into force and the termination of the sanctions have also undergone an evolution during the 1990s, by, for example the setting of objective conditions for the automatic lifting or suspension of the sanctions without the need for a further decision by the Council, thus avoiding a possible exercise of the veto by the permanent members (the so-called "reverse veto"). Another development was the progressive reduction of the scope of the sanctions, linked to certain actions by the target state, to reward and encourage its compliance with the Council's requests.

The third debate can be dated to the decision by the UN Security Council to impose sanctions on

Iraq. The purpose was to end Iraq's occupation of Kuwait (Doxey 2000). The sanctions were imposed immediately after the invasion in August 1990. They remain in force at the time of writing. In a way, this application of sanctions was more closely parallel to the first debate and its focus on territorial aggression. The Security Council defined Iraq as the country that had broken the peace and that measures under Chapter VII could therefore be taken (Doxey 2000). In effect, Iraq was branded as an aggressor, although this language was avoided. A military build-up followed and a short, intensive war in January and February 1991 resulted in the forceful eviction of Iraqi troops from Kuwait. Sanctions remained in place, however, but now for the purpose of forcing Iraq to agree with the inspection provisions imposed after the Gulf War. As this short description makes clear, sanctions were not the only instrument. In both the first and the second debates, sanctions were seen as *the* option for achieving desired change, to be kept separate from military action. In the Gulf crisis they were one of the instruments. After the Gulf War, pressure was also kept up on Iraq with repeated air raids on Iraqi installations. Following the Gulf War, the UN Security Council has initiated ten new cases of economic sanctions, sometimes as the only action, sometimes in combination with other measures. Thus, the debate has had a rich array of cases for discussion.

A mark of the sanctions of the 1990s, as compared to previous periods, is their link to internal war situations. This is clear-cut in the cases of Somalia, Liberia, Angola, Rwanda, Sierra Leone and FR Yugoslavia (Kosovo). The breakup of former Yugoslavia could be seen as a special case of internal war becoming international. Haiti was a case of pre-empting an internal war by exerting international pressure. Two cases are related to the phenomenon of terrorism (Libya and Sudan). In the first and second sanction debates, such motivations would not have been acceptable. The sanctions on Southern Rhodesia and South Africa, although concerning internal affairs, were internationally legitimate as they connected to the decolonisation process. This process was supported by the two alliances of the Cold War and belonged to the few agreements between these two sides. The sanctions directed against internal rule, such as those against Cuba and Albania, were not accepted in international organisations outside the domination of sanctions-imposing major powers.

Since the end of the Cold War, restrictive measures have been deployed with greater frequency. The sanctions imposed on Saddam Hussein's Iraq under the aegis of the UN after its invasion of

Kuwait in 1990 were comprehensive economic sanctions, which exacted major humanitarian costs. Yet the UN-sponsored ‘oil-for-food’ programme introduced in 1998 to alleviate the suffering of the civilian population was later criticised for giving rise to widespread corruption both inside and outside Iraq. International sanctions have since tended to shift from being comprehensive to targeted (or ‘smart’), focusing on individual leaders and organisations mainly to punish human rights violations.

With threats to international security emanating primarily from intra-state conflicts, fragile or failed States, and transnational terrorist networks able to carry out their operations regardless of state borders, sanctions policies have undergone a fundamental shift, targeting non-state actors as well. The UN doctrine of R2P, conceptualised and developed in the early 2000s, made sanctions part and parcel of a series of measures taken by the international community to punish the aggression of governments against their own citizens – as was the case with Libya and Syria in 2011, in spite of R2P arguably being operationalised only in the former. Other actions have also become major justifications for the imposition of sanctions: nuclear proliferation, as in the case of Iran and North Korea, and terrorist activities, as in the case of al-Qaeda, Boko Haram or the Islamic State of Iraq and the Levant. The post-Cold War was also characterised by the use of smart sanctions as a substitute for comprehensive economic sanctions that were deemed to be indiscriminate when it came to inflicting harm on the target state. Comprehensive sanctions were mainly criticised in that both the innocent and the culprit members of the target state suffered the same fate.

### **5.3 Post-Cold War Era and the Imposition of Smart Sanctions**

Anglin, cited in Leyton-Brown (1987:23), contends that recent experiences with the employment of external economic sanctions to effect domestic policy change has seriously shattered the popular myth that they offer a cheap and easy (and not just morally acceptable) alternative to war as an instrument of national policy. However, smart sanctions are also not insulated from some languor or inertia in their execution and operationalisation. First, the imposition of targeted sanctions has proven to be arduous in practice. One example is the difficulty that both the American Government and the United Nations had in confiscating the personal assets held by Saddam Hussein and his family before the second Gulf War (Major & McGann 2005:341). Furthermore, Wallenstein et al. (2003) explicated the following key problems in targeting the targeted actors: “... the identification

of the actor, determining which resources should be subject to sanctions, the counter-reactions of the targeted actor, and the ability and willingness of third States to make the sanctions effective” (Wallenstein et al. 2003:92). Moreover, the increasing use of targeted sanctions during the past years have generated new issues linked to the rights and standing of parties that may be listed wrongly.

### ***5.3.1 Shortfalls Associated with Smart Sanctions***

In addition to the challenges cited in the previous section, Smith (2004:2) highlighted some shortfalls associated with the imposition of smart sanctions where he gave a presentation of a number of scenarios where the consequential perspectives of sanctions were witnessed by noting that:

[s]mart sanctions tend to have a ‘boomerang effect’ as was witnessed in Japan’s case. Japan's decision to attack Pearl Harbor led to the subsequent entry of the United States into World War II, and this by and large stemmed from the economic sanctions: The oil embargo the United States imposed on Japan in July 1941 was so credible and so potent that it quickly provoked Japanese leaders into making a very difficult and desperate decision to initiate war rather than capitulate to Washington's extreme demands that it get out of China and, in effect, give up its aspirations for regional hegemony in South-east Asia. Similarly, Smith (2004), citing Louis Kreisberg, suggests that sanctions can widen the conflict, add to its destructiveness, and sometimes prolong it. Sanctions are also destructive to the targeted societies. A 1999 study suggests that post-Cold War sanctions may have contributed to more deaths than all weapons of mass destruction used throughout history. In Iraq, for instance, it has been estimated that hundreds of thousands of children died between 1991 and 2001, in part as a result of sanctions. Such effects weaken the political support necessary for effective trade bans. In Iraq's case, there were significant fluctuations in international support for the decade-long sanctions.

The economic sanctions that were imposed on Japan led the Japanese government to exhibit some hostility as they ventured into war instead of submitting to the wishes of the United States government. In this case, sanctions can fall short in producing or generating the expected or desired outcome or end, as was witnessed in the Japanese case, thereby producing the so-called “boomerang effect”. As noted above, such a scenario compounds the destructiveness of the conflict. The worst-case scenario was witnessed in Iraq where the sanctions actually led to deaths of large numbers of children as a result of the economic strangulation that made access to basic goods and essential services difficult, thereby leading to the mortalities.

Accordingly, Smith (2004:3) asserts that another problem with sanctions is that threats cost more when they fail because the sender must follow through with a punishment. A larger threat is likely

to be cheaper, because it is less likely to fail. To reduce potential costs, a sender may build up a threatened punishment, thinking that otherwise it will fail. As a result, senders may overdo the level of threat needed for a situation. Additionally, threats inherently cause stress and can affect one's rationality or problem-solving capacity. They can also generate resistance. There is a difference between opposition to an outside attempt to influence and opposition *generated* by the attempt to influence. Often, the target would rather face a threat than be perceived as weak by giving in to a threat. Sanctions convey a message of indifference and hostility. Furthermore, when senders impose sanctions on a target, the target is much more likely to impose sanctions on the sender when given the chance, thereby creating scenarios of deeply-entrenched grudges that wait for the most opportune time for retaliation by the aggrieved nation.

Consequently, if there is domestic support for the targeted leader, sanctions may generate a "rally around the flag" or nationalist response, in which a population under threat unites around its leaders (Smith 2004, citing Johan Galtung). Rather than having a pacifying effect on the targeted actor, sanctions then strengthen a leader's domestic support. Outside pressure can also be used by leaders to ignore domestic troubles, placing the blame for economic instability on the outsider, and providing political cover to repress domestic dissidents further, while directing resentment toward those who impose the sanctions. Some scholars, such as Daniel Fisk as cited by Smith (2004), conclude that "economic sanctions are a policy instrument with little, if any, chance of achieving much beyond making policy-makers feel good about having done something for a particular domestic community". This implies that the sanctions have a soothing effect on the senders, who in this case feel that they have done something positive to other nations.

In addition, several member States pointed out the lack of due process and the absence of transparency. Drezner wrote:

Nevertheless, there is no systematic evidence that smart sanctions will yield better policy results vis-à-vis the targeted country. Indeed, in many ways, the smart sanctions framework has been *too* successful {Author's sarcasm}. Recent research suggests that, in some instances, options other than smart sanctions should be pursued. It would behoove policymakers and scholars to look beyond the targeted sanctions framework to examine the conditions under which different kinds of economic statecraft should be deployed. (Drezner 2011:97).

Effectively, the accuracy of targeting determines the solidity of the entire chain of implementation measures. Likewise, requests for more comprehensive and more coercive sanctions are likely to

arise if smart sanctions do not achieve their objectives (Wallenstein et al. 2003:92). Lastly, recent research suggests that alternatives other than targeted sanctions should be considered in some cases. In conclusion, scholars and policymakers should analyse the smart sanctions framework and determine the conditions under which different types of economics statecraft should be used (Drezner 2011:97). Over and above that, David Cortright and George Lopez, as cited by Smith (2004:5), established that the so-called “smart” sanctions carry much less weight, are easily circumvented, and, as a result, have less chance of success, whereas, on average, comprehensive sanctions have been more effective when compared to smart sanctions.

#### **5.4 Reasons for the Usage of Economic Sanctions**

National governments and international bodies such as the United Nations and European Union have imposed economic sanctions to coerce, deter, punish, or shame entities that endanger their interests or violate international norms of behaviour. Anglin, cited in Leyton-Brown (1987:24), notes that sanctions can be designed to serve a number of distinct and not necessarily mutually exclusive purposes. Economic sanctions have been used to advance a range of foreign policy goals, including counterterrorism, counter-narcotics, non-proliferation, democracy and human rights promotion, conflict resolution, and, most recently, cyber-security.

##### ***5.4.1 Economic Sanctions as a Foreign Policy Tool for Enforcing Behaviour Modification against the Target State***

Economic sanctions are imposed in a bid to punish other States. In this regard, punitive measures are at the centre of economic sanctions. The States that take these measures are so desirous to punish the target States for their behaviour. Governments and multinational bodies impose economic sanctions to try to alter the strategic decisions of state and non-state actors that threaten their interests or violate international norms of behaviour. For instance, through deprivation of certain goods and services the target state will be forced to comply with the demands and expectations of the sending country. The United Kingdom, for example attempted to deprive the Argentines of normal channels of economic intercourse after the Argentine invasion of the Falklands or Malvinas in April 1982 (Nossal 1987 in Leyton-Brown 1987:13). Another case was the coercive efforts of the Arab States to deter both the Canadian government and of course others from moving the Canadian embassy from Tel Aviv to Jerusalem by threatening sanctions. Punitive

measures were the cardinal motivating force in prompting the imposition of these economic tools of statecraft against specified targets.

Accordingly, each of these involves the use of economic measures by States to secure political ends and sanctions belong to the repertoire of a state's foreign policy. Economic sanctions can be viewed as the forms of economic reprisals imposed in response to transgressions against a state's interest. Sanctions are premised on safeguarding the sending country's national interests. A violation of a powerful nation's national interests attracts economic sanctions on the violators. The United Nations Security Council has a tendency of applying the sanctions inconsistently such that countries are punished differently for the same offence. Actually, some countries get off scot-free. For instance, when the Tanzanians overthrew the government of Idi Amin in Uganda and replaced it with one more to its liking, there was barely any negative reaction internationally. In line with this, Nossal (1987), cited in Leyton-Brown (1987), postulates that whether or not a transgression has even occurred or whether there should be punishment of that violation depends on the subjective and ad hoc judgement of each state. In light of this, one is forced to conclude, by the inconsistent behaviour of States, that the action found offensive is an action that they regard as a violation of their interests, and is not necessarily actionable because it is a violation of law.

#### ***5.4.2 Deterrence and Economic Sanctions***

States make use of economic sanctions in a bid to deter the receiving country from acting in a way that is not favourable to the sender of the sanctions. Deterrence brings out the desire to signal that similar behaviour by the target state or by other States would have recognised attendant costs and thereby deter such behaviour (Nossal 1987, cited in Leyton-Brown 1987). Deterrence as a preventative measure involves the use of economic pressure perhaps in the form of a slow-turning screw or merely credible threats, as a signal to alert a prospective transgressor of the consequence and futility of breaching accepted norms of behaviour. According to Nossal (1987) in Leyton-Brown (1987:13), punishment itself suggests a hurtful penalty or reprisal imposed for a transgression or violation. Accordingly, economic sanctions serve as a short, sharp shock in the form of carefully designed psychological sanctions which may be a prerequisite if individuals are to overcome their inherent reluctance to face reality and thereby restore a measure of cognitive consistency. Punishment helps to bring deterrence to the would-be offenders. In line with this, smart sanctions serve as the kinds of economic reprisals imposed in response to transgression

against a state's interest. Accordingly, Hufbauer and Schott (1983:19) note that deterrence is another frequently cited reason for sanctions whereby a sender country can supposedly discourage future objectionable policies by increasing the associated costs.

Economic sanctions are meant to change the target state's behaviour by depriving that state of something it values, in essence forcing it to abandon the behaviour offensive to the initiating state or States. For example, Nossal (1987) in Leyton-Brown (1987:15) notes that the attempts by the US government to deprive the Cuban government of Fidel Castro or the Chilean government of Salvador Allende of access to unrestricted commercial intercourse. Compulsion in this scenario is at the centre in the imposition of economic sanctions. For example, the declared aim of United Kingdom government policy was to compel the Southern Rhodesian whites to repent or at least reform. According to Anglin, cited in Leyton-Brown (1987:25), if Mr. Ian Smith and his supporters proved intractable, then perhaps sanctions could help to undermine his regime and contribute to the emergence of a more amenable successor leadership. The idea behind these sanctions was to bring about a change of heart in Rhodesia by inducing a revulsion of feeling in the territory leading to the overthrow of the regime and its replacement by a government of moderates.

#### ***5.4.3 Economic Sanctions as a Strategy for Coercion in International Relations***

Economic sanctions can be used as a coercive measure for achieving particular policy goals related to trade or for humanitarian violations. Economic sanctions are used as an alternative weapon instead of going to war to achieve desired outcomes. As a coercive stance towards Rhodesia, the only appropriate measure and response to Ian Smith's Unilateral Declaration of Independence was action to crush the minority regime swiftly, surely and decisively – preferably by military means, but otherwise by economic strangulation – whatever the cost to the Rhodesian economy (Anglin 1987). In some circles, there was also a demand for retribution – coercion for its own sake – on the grounds that rebel perversity deserved severe punishment. Drezner (1999:4) presents a model on the role of economic coercion in international relations where he notes:

Coercion alters the allocation of benefits by imposing costs on both the sender and the target countries. The short-run costs of sanctions imposition are important to the target and sender, but they are not the only factor. Conceding in the face of economic coercion implies a redistribution of political assets between the target and the sender. Nation-States care about this redistribution if they think it will harm their bargaining position in future conflicts [...] The expectation of future conflict is translated into a short-run concern for relative gains and reputation that varies with the expectation

of future threats or conflicts in the bilateral relationship between the sender and the target. The expectation of future conflict has a contradictory effect on economic coercion. On the one hand, it makes senders more willing to threaten economic sanctions. The greater the concern for relative gains and reputation, the more likely the sender will prefer a stalemate or deadlock outcome of disrupted economic exchange and attempt to coerce. *Ceteris paribus*, senders will be eager to coerce adversaries and reluctant to coerce allies.

By and large, it can thus be noted that economic sanctions affect the target nation in an adverse and coercive way. The sender will actually yield some benefits (which include loyalty and allegiance as well as compliance by the receiving country). Senders are at liberty to resort to the imposition of economic sanctions on the receiving nation because they glean some gains in the process. However, it can be noted that senders always make some calculated moves when they impose their sanctions, that is, they can only coerce their foes and spare their allies.

Over and above these considerations, it can be noted that coercion can be used as a tool only against the adversaries who would have threatened the interests of the sender (which in this case is a more powerful state). In substantiating this, Hufbauer and Schott (1983:10) noted that sanctions are part and parcel of international diplomacy, a tool to coerce target governments into particular avenues of response where the use of sanctions presupposes the sender country's desire to interfere in the internal affairs of the target government. Coercion is made possible by the fact that the countries that impose sanctions generally are large nations that pursue an active foreign policy; but in the main, sanctions have been used by big powers precisely because they are big and can seek to influence events on a global scale (Hufbauer & Schott 1983). The need to influence global events makes coercion a reliable tool at these States' disposal to whip into line any dissenting voice. In the process, these sender countries will be in need of demonstrating steadfastness or resolve, thereby spurring the imposition of economic sanctions. For instance, the United States of America has frequently deployed sanctions to try to assert its leadership in world affairs.

To buttress this notion, Hufbauer and Schott (1983:12) are of the opinion that United States presidents seemingly feel compelled to dramatise their opposition to foreign misdeeds, even when the likelihood of changing behaviour is in the target country seems remote. In these cases, sanctions are often imposed because the cost of inaction – in lost confidence at home and abroad in the ability or willingness of the United States to act – is seen as greater than the cost of the

sanctions. Accordingly, such action is often expected by the international community to demonstrate moral outrage and to reassure its allies that the United States will stand by its international commitments (Hufbauer & Schott 1983; Leyton-Brown 1987; Smith 2004).

#### ***5.4.4 The Symbolic Facet of Economic Sanctions in the International Relations Arena***

On a contrary note, Anglin (1987) cited in Leyton-Brown (1987:24) contends that sanctions may be conceived as having no more than symbolic significance. In this case, support for economic sanctions becomes merely a means of expressing moral outrage, showing solidarity, upholding a vital principle, or boosting the national ego, without any serious expectation of their exerting any real pressure on the target state or even perhaps their being fully implemented. From a slightly different perspective, Hufbauer and Schott (1983) note that sanctions are used as a surrogate for other measures; a diplomatic slap on the wrist may not hurt where it hits, and more extreme measures such as covert action or military measures may be excessive. So the adoption of sanctions can be a remedy to these extremities. In addition, the imposition of sanctions in a sense conveys a triple signal; to the target country it says that the sender does not condone its actions; to allies, it says that words will be supported with deeds; to domestic audiences it says the sender's government will act to safeguard the nation's vital interests.

#### ***5.4.5 Economic Sanctions as a Mechanism of Enforcing International Humanitarian Law***

A new element in the economic sanctions debate is the question of the *humanitarian effects* of sanctions. This has been given particular significance in the case of sanctions against Iraq. It is surprising that the same aspect has not received prominence in the sanctions against former Yugoslavia. The basis for the claim of the particular humanitarian effects of the sanctions against Iraq is an article in the medical reports published in *Lancet* in 1995. The calculations made by the FAO on the basis of this study suggested that up to 560 000 Iraqi children may have died as result of UN economic sanctions. However, few observers seem to have taken note of the subsequent letter to the editor by one of the authors, reporting that the results from the 1995 survey could not be verified in follow-ups for 1996 and 1997. Clearly, the death rates of children were much lower and consequently the effects of sanctions less dramatic, to the extent that there is a direct link between the sanctions and the suffering. The humanitarian concern is new. There were reports suggesting that sanctions on South Africa would in fact hurt the black African population more, but these were often dismissed as part of South African propaganda. In the case of Iraq, which is

not likely to meet human standards of honesty, the impact of the discussion has been different. It is interesting to establish why.

There are two plausible explanations, neither of which excludes the other. The first is that in general, humanitarian concern has become greater. The reactions to many of the crises facing the world in the post-Cold War period has had a humanitarian root. The conflicts have been seen primarily as humanitarian disasters, and have thus prompted humanitarian support. It is a sign of the times that the UN created a Department of Humanitarian Affairs only in 1992, following a General Assembly resolution in 1991. The interventions in the wars in Bosnia and Somalia were undertaken as ways of protecting humanitarian deliveries. In the Cold War period, humanitarian concerns were, in the dominant discourse, made dependent on whether it benefited one or the other side in the Cold War. Wars since the early 1990s may be seen more realistically as the human suffering they have actually always been. The imposition of these economic sanctions will force nations to comply and uphold international humanitarian law as they can be coerced or punished or deprived of certain goods and services until or unless they satisfy the provisions of the international humanitarian law. This is visible in circumstances where, for instance, there is the proliferation of weapons.

Sanctions against the proliferation of weapons of mass destruction began with Iraq in 1990 and were most recently imposed against North Korea and Iran in 2006. In the early- to mid-2000s, human rights abuses, breaches of international humanitarian law, and the pillaging of natural resources were addressed by sanctions on Darfur (Sudan), Côte d'Ivoire, and the Democratic Republic of the Congo (DRC), as were issues of sexual violence in conflict and children in combat. Sanctions deployed in 2011 on Libya with resolutions 1970 and 1973 represent the first case of Security Council sanctions explicitly deployed for the purpose of the responsibility to protect (R2P, as it is called), which is based on the principle of protecting innocents and reinforcing as well as penalising breaches of human rights and international humanitarian law. In Libya, sanctions stipulating an asset freeze successfully denied the regime of Colonel Qaddafi of the benefits of its vast sovereign wealth and the income from its oil production, limiting its ability to fund military operations. The sanctions were not universally embraced, and even the Arab League, which unanimously endorsed the no-fly zone on 12 March and presented a formal request for UN intervention, expressed misgivings and considered withdrawing its support in the face of the broad

scope of the military intervention. In addition, the abstentions by China, Russia, Brazil, India, and Germany from the Security Council vote for resolution 1973 in respect of the question of the enforcement of the no-fly zone, as well as robust opposition by the African Union to the determined NATO intervention, heightened the lack of consensus on implementation standards of international sanctions. The most immediate indications of these differences may involve the recent unsuccessful attempts by some Council members to gain the necessary support to impose sanctions on Syria and Yemen. At the same time, the sudden and unexpected imposition of sanctions on Syria by the Arab League in November 2011 created new room for the possible deployment of UN sanctions.

#### ***5.4.6 Economic Sanctions as a Foreign Policy Tool for Conflict Prevention***

The rest phase dates from the end of the Cold War to the mid- to late 1990s. The sanctions regimes of this period were directed primarily at intra-state and inter-state conflicts. These sanction efforts had ambitious goals: their strategic objective was compulsion the reversal of policies that provoked or sustained violent conflict. They were comprehensive in scope and encompassed the totality of the target's economy. The effectiveness of these sanctions regimes was poor. They led to tremendous economic costs to the target countries, but often not to changes in the political behaviour of the leaders of those countries. The economic impacts on the countries in question also had damaging social and humanitarian effects, leading many commentators to question the morality of economic sanctions as policy instruments. These sanctions often hurt innocent neighbouring countries as well.

Economic sanctions are non-military measures that restrict or put an end to normal international economic exchanges with a state or a non-governmental group, for the purpose of compelling, denying or deterring political or military behaviour by the targeted government or group. Economic sanctions are different from trade wars, in which governments restrict or stop international economic exchanges in order to gain more favourable terms of trade. Underlying the theory of sanctions is the expectation that economic costs will translate into political effects such that economic deprivation will produce public anger and politically significant protest. It is expected that this, in turn, will lead to changes in the behaviour of trouble- making elites, or their removal from power.

UN sanctions are coercive measures intended to restore or maintain international peace and security. They are elements of a bargaining strategy that includes measures ranging from the severance of diplomatic ties to interruption of economic relations to the threat and use of military force. Under provisions of the United Nations Charter, the Security Council, faced with a conflict, may begin with actions under Chapter VI (Pacific Settlement of Disputes), before resorting to more robust actions under Chapter VII (Actions with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression). Once it progresses to the Chapter VII stage, the Security Council may choose sanctions as an appropriate tool, in which case it will decide on the design of a sanctions regime, usually involving an arms embargo and a mixture of other targeted measures. Sanctions are imposed by the Council through the adoption of a resolution. A resolution imposing sanctions normally establishes a sanctions committee to monitor the sanctions regime, and frequently requests the Secretary-General to establish a Panel of Experts.

In the heady period of new-found unity among the five permanent members of the Security Council after the end of the Cold War, beginning in 1990 until the early 2000s and called the “Sanctions Decade” by Cortright and Lopez, the Council deployed sanctions in two cases of cross-border aggression: on Iraq and the former Yugoslavia in 1991; and in civil war (the National Union for the Total Independence of Angola, UNITA) and civil dispute (Haiti), in 1993. The Council also imposed sanctions on several other state and non-state actors in Africa for actions considered as threats to, or breaches of, international peace and security: Liberia and Somalia (1992); Rwanda (1994); the Revolutionary United Front (Sierra Leone, 1997); Eritrea and Ethiopia (2000, for their border dispute); and Liberia again in 2001 in response to Charles Taylor’s support for the Revolutionary United Front (RUF). In the mid-2000s, the Council deployed sanctions on the Democratic Republic of the Congo (DRC), Côte d’Ivoire, and Darfur (Sudan).

The reactions of the international community are obviously important for the success of sanctions. The political and economic isolation of the target country is a prerequisite for the chances of success. This is a reason why international organisations are used for sanctions, as this will generate more international support for the sender and more isolation for the target. Most important are the reactions among major powers and the target’s neighbours. The most obvious change among the three sanctions debates is the difference in the major power configurations. This is captured by the commonly used labels: “Inter- War”, “Cold War” and “post-Cold War” periods.

The world has move from a system of five to six major powers via bipolarisation to the present situation with one superpower. The sanctions against Italy were abandoned as several major powers (in particular the USA and Germany) were not supportive. In the period of the second debate, sanctions were mostly made outside the UN framework and often became part of the Cold War dynamics. The two UN-imposed sanctions in this period had significant support of major powers. Even that proved insufficient to achieve the isolation desired by the sanctions initiators.

It is noteworthy that in the third debate, the isolation issue has not been as prominent. Instead impatience with the sanctions record has resulted in a strategic discussion about military action. In the cases of Iraq and Sudan such measures were actually taken (Doxey 2000). The bombings were repeated against Iraq, a peak being the heavy bombardments in December 1998. The actions were performed outside the framework of the United Nations. This is, first of all, a clear indication that the sanctions have not achieved the desired goals, and second, that the UN is increasingly seen as an obstacle for US policy. The sanctions against Sudan in 1998 were supplemented by the bombings in Khartoum, following the attacks on the US embassies in Dar-es-Salaam and Nairobi. Already before this the US was supporting a military strategy against the Sudan. The various movements resisting the National Islamic Front regime in Khartoum were brought together in a broad alliance. A new military front was opened in 1997. The military actions have so far not brought about the desired changes.

Military action was in 1998 repeatedly threatened against Yugoslavia, in connection with the Kosovo conflict. In this case, the US acted in concert with leading allies of NATO (Doxey 2000). The option of renewed sanctions, apart from the arms embargo imposed in 1998 against Yugoslavia, seemed to be less important, perhaps indicating dissatisfaction with their impact in the previous period. In the case of Haiti, a military invasion was very close when the military junta agreed to step down. In some of the remaining cases, the threat of military action has been less important or non-existent (Angola, Liberia, Somalia, Rwanda, Sierra Leone, and perhaps Libya).

The threat of escalating sanctions into military action by major powers was a new feature in the debate. It can be linked to the changed international scene. In the Cold War years, there was always a danger of military measures bringing a conflict into the Cold War, followed by nuclear escalation. In some instances, military actions were taken (for example, Czechoslovakia, Afghanistan, and Granada, Panama) without considerations of sanctions. In these cases, the danger

of escalation was low, as the interventions occurred in areas part of the “sphere of interest” of either side. In the post-Cold War period there have been fewer constraints of this sort (Doxey 2000). The military intervention option has gained ground. In the future, this may be a more ominous development. As a relatively peaceful option, such as sanctions, is seen as unsuccessful, the temptation for military action may increase as the “only alternative” available (Doxey 2000).

While many early sanctions cases were related to cross-border aggression or civil conflict, over time the Security Council expanded its interpretation of threats to international peace. Security sanctions against international terrorism began with Libya for its involvement in the downing of two civilian aircraft (1988 and 1989), and against Sudan for an attempt on the life of Egyptian President Hosni Mubarak (1996). Sanctions for the purpose of counter-terrorism were deployed against the Taliban in 1999 and expanded to include Al-Qaeda and associates after the 11 September 2001 attack against the United States. The UN Security Council Resolution 1373 adopted on 28 September 2001, though not technically a sanctions regime, established a counter-terrorism committee and obliged States to enact legislation criminalising terrorist acts.

#### ***5.4.7 Economic Sanctions as a Measure for Combating Terrorism***

Terrorism is considered as an instrument in the hands of weaker actors in their war against stronger systems such as States. During the Cold War, the threat stemming from terrorist groups was insignificant when compared to the threat of the conventional war. Owing to the ideological nature of global competition, the ethnic and religious movements were weak either because of the lack of resources of the movements or because they moved along ideological lines. There was a limited space for mass movements to be organised at grassroots level. Since the Cold War, however, terrorist networks with an ethnic or religious base have increased their grassroots capacities. Gains from globalisation and the power gap resulting from the collapse of certain regimes have left the new environment vulnerable to deterrent security threats.

Whereas the traditional security threats have been diminishing since the Cold War, unconventional threats have been more common and pernicious. Terrorist groups relying on ethnical and cultural factors have emerged as a threat to the stability of the international system. Some of the terrorist groups are transnational by nature and this fact makes it difficult for States to fight against them. Such transnational terrorist threats necessitate coordination of diplomatic efforts of several States

in the fight against terrorism. As a form of unconventional threat, terrorism leads States to devise methods for fighting against it, to adapt their security assessments and to take countermeasures in order to overcome them. When central state authorities clearly start to lose their legitimacy, non-state actors increase their capacities with a view to being organised at the grassroots level. Most of the new terrorist groups are initiated at transnational or regional level. Because of their capacity to build closer and face-to-face networks, they increase their legitimacy and soft power over people. Central authorities have clearly proved that they had more difficulty in connecting with people and developing a force of attraction. In this context, changing security perceptions in the post-Cold War period facilitated a country's relationship with its soft power and expanded the space given to soft power in the country's power ratings analysis; this power was used in foreign policy. With the increase of asymmetric threats at global and regional scale, such as terrorism, States are searching for new methods and tools to combat these types of threats. Soft power and diplomacy are seen as important elements of the state in this context.

Unconventional security threats against the central authority require States to use both traditional and non-traditional instruments in the fight against terrorism. States have to develop new instruments in order to increase their legitimacy and their capacity to inform people about the problems regarding illegal organisations. The sanctions imposed against Libya in 1992, accused of involvement in the terrorist attacks in 1988 and 1989 on American (Pan Am) and French (UTA) airliners, spearheaded the UN Security Council concern with terrorism. The Council went on to impose mandatory Chapter VII sanctions to fight terrorism on two other occasions in the 1990s: in 1996 against Sudan and in 1999 against the Taliban regime in Afghanistan. By imposing sanctions in the 1990s on Libya, Sudan, and the Taliban in Afghanistan, the Security Council had two main counter-terrorism objectives: to compel the States concerned to change the behaviour of state-sponsors of terrorism and make sure that individuals believed to be responsible for specific terrorist attacks were extradited; and to deter to discourage States from providing support to terrorist groups.

In the case of Libya, UN sanctions were fairly effective. Even before sanctions took effect, Libya offered to surrender the suspects of the UTA bombing to a French court and those responsible for the Pan Am explosion to an international court. However, the broader security objective weakening Libya's support for terrorist groups required the continuation of sanctions. By the late 1990s, this

broader objective was largely achieved. In 1996, the US State Department noted that Libya's support for terrorism had been sharply reduced. Maintaining UN sanctions consequently became difficult to justify. In addition, international support of the sanctions regime was crumbling. These developments led the United States and the UK to develop a proposal whereby the two Libyan suspects would be tried under Scottish law in a court in the Netherlands. The Libyan government accepted the plan early 1999, and sanctions were suspended on 8 April 1999, three days after the two Libyan suspects had arrived in the Netherlands. Members of the Security Council in the United States, in particular, became increasingly concerned about the changing nature of the terrorist threat in the 1990s. Terrorist groups seemed to be operating more and more as part of a global network. In addition, the 1995 sarin nerve gas attack in the Tokyo subway by Aum Shinrikyo increased fears that terrorists might one day use chemical, biological or nuclear weapons. The September 2001 attacks showed how difficult it was to compel regimes such as the Taliban and transnational groups such as al-Qaeda. UN sanctions had no noticeable effect on the Taliban mainly because of their isolated economic position. Although the UN sanction regimes of the 1990s failed to stop worldwide terrorist activities, they helped to change at least the declared attitudes of States towards terrorist groups, particularly the attitudes of state sponsors of terrorism.

## **5.5 Conclusion**

The chapter gave a run-down of the issues underlying the dimensions and the rationale of economic sanctions in the post-Cold War era. The chapter looked at the concepts of smart and comprehensive sanctions and analysed their attributes and facets. Then it moved on to analyse the usage of the smart sanctions by the United Nations across the world where it unpacked the modalities that are associated with the UN sanctions imposition system, and successes and failures by the UN in realising their intended objectives. The supporting clauses of the UN Charter that pave the way for sanctions to be imposed and the problems militating against the implementation of the smart sanctions were also delved through. In addition, the reasons behind the adoption and imposition of smart sanctions were also discussed, during which factors such as deterrence, compulsion, and coercion as well as the symbolic facet of economic sanctions were highlighted. Lastly, the chapter captured the scenarios of the usage of economic sanctions in the new dispensation. Where sanctions are used as a measure for facilitating the adoption of international humanitarian law, economic sanctions can also serve as a measure for combating terrorism as well as economic

sanctions as an ethical measure for conflict prevention.

It was noted in this chapter that the end of the Cold War resulted in the increased propensity of the UNSC to impose sanctions. The rationale for the imposition of these sanctions varied. The traditional reasons behind the imposition of sanctions such as coercion, deterrence, and compulsion, among others, were highlighted. The end of the Cold War ushered in a new era whereby sanctions were used in three ways: sanctions as a mechanism of enforcing international humanitarian law, as an ethical tool of conflict prevention, and as being a measure of combating terrorism. It was noted that after the Cold War period, members of the international community realised the need to keep in check as well as come up with mechanisms for enforcement against those regimes and nation States which do not observe and practise the ethically acceptable principles of governance which include protection of human rights. It was argued that the Security Council's main objective of maintaining and restoring international peace and security is in line with Article 42 of the UN Charter.

The imposition of sanctions is aimed at achieving political ends while lessening and to some extent avoiding the unbearable repercussions of armed conflict. Thus, the aim of imposing sanctions after the Cold War period has been generally to modify the behaviour of the individual state rather than to punish the same. It was highlighted, however, that such sanctions become conflictual with other fundamental principles of international law such as the principles of non-intervention and state sovereignty. The imposition of economic sanctions becomes immoral in the sense that they are targeted at the people at large rather than the given regime. It was noted in the first section of the chapter that economic sanctions are imposed as a mechanism for enforcing international humanitarian law. The end of the Cold War has witnessed the emergence of a modern version of humanitarian intervention in cases of gross human rights violations, particularly through economic sanctions. The General Assembly has often invited States to impose economic sanctions in situations where human rights are violated.

Such developments have been as result of the growing assertion of power by the Security Council in the post-Cold War era and the expanding willingness of the international community to confront violations of human rights with economic sanctions or military force whenever it is deemed necessary. In the second section, the imposition of economic sanctions was discussed as an ethical tool of conflict prevention. It was noted that about 14 sanction regimes were applied to

address intra-state conflicts in the post-Cold War era. Case studies were drawn in respect of the UN Resolutions on Somalia and Haiti. The third and last section analysed the rationale for the imposition of sanctions after the Cold War period with reference to economic sanctions as a measure of combating terrorism. Considering that terrorism is one of the emerging global threats to peace and security, it was noted that the Security Council has made efforts at coming up with various Resolutions on combating terrorism. The next chapter will discuss the application of economic sanctions with specific reference to Cuba, Iraq and Zimbabwe.

## **CHAPTER SIX: ECONOMIC SANCTIONS AGAINST CUBA, IRAQ AND ZIMBABWE**

### **6.1 Introduction**

After having provided a theoretical discussion on the various issues related to economic sanctions, my aim in this chapter is to reflect on some of the issues that have been discussed from a theoretical perspective, with specific reference to three selected case studies of Cuba, Iraq and Zimbabwe. Amid various issues about economic sanctions performance and evaluation that have been highlighted in previous chapters, this chapter is practical as it highlights the specific case studies of the countries affected by these sanctions. This chapter seeks to address the critical question of whether sanctions work by applying three distinct angles of vision, each broader than the preceding one. The conclusion will be drawn from critical evaluation of the application of sanctions in Cuba, Iraq and Zimbabwe. The first sections trace the origins of sanctions imposed by the Security Council against Iraq. The sanctions imposed against Iraq will be highlighted and discussed in this section. The section will demonstrate that Gulf War conflicts are the genesis of the measures that prompted the international community through the UNSC to impose sanctions against Iraq. The programmes that were adopted by the UNSC for humanitarian relief will be highlighted in this section.

The chapter will also explore the roots of the economic sanctions in Cuba. This traces how the sanctions came to be imposed by the United States of America on the island nation of Cuba. The rationale behind the imposition of the sanctions on Cuba will also be discussed. In this scenario, issues relating to the need to compel Cuban leaders to depart from their Communist ideology as well as to cut ties with the Communist bloc will be captured, among other factors. This section will consider the domestic economic implications of economic sanctions imposed by the United States on Cuba and issues relating to economic strangulation, as these sanctions largely upset imports, exports, shipping, and international financial transactions. The US's economic sanctions acted as an obstacle to trade, foreign investment, and the growth of Cuba's financial sector as the Cuban products were prohibited from entering the US market. In addition, the socio-economic impact of these economic sanctions on Cuba will be explained fully. Furthermore, a distinction is drawn between the total cost and the net cost of economic sanctions to the Cuban economy. The US sanctions led to the decline in Cuba's economic performance.

The final section will present the case of Western sanctions against Zimbabwe. It will also highlight the various forms of sanctions ranging from traditional comprehensive sanctions to the novel form of sanctions dubbed ‘smart’ or ‘targeted’ sanctions. In that case, this section will also discuss the game theory perspective of sanctions before it focuses on the argument for the shift towards targeted sanctions. Thereafter it will discuss the theory of smart sanctions before concluding with a critique thereof. The next section will cover sanctions that were imposed by the EU, the UK, New Zealand, Canada, and Australia against Zimbabwe. The raft of measures introduced includes arms embargoes, financial restrictions, asset freezes, and travel bans on the leaderships of Zimbabwe. This part discusses the nature and scope of these measures including the reasons for their imposition. It will begin with a brief political background on Zimbabwe and relate these to the norms and mores mentioned before examining the reaction of the West to the deficits thereof, specifically targeted sanctions. The next section will evaluate the effects and effectiveness of targeted sanctions against Zimbabwe on government institutions, industry and commerce, the elites and the general populace.

## **6.2 The History of US Sanctions against Cuba**

The power of the Cuban American lobby (also known as the Cuban American National Foundation) on the Cuba sanctions issue reflects the more general phenomenon of the increased clout of domestic actors in shaping foreign policy in the post-Cold War era. Through the effective lobbying by the Cuban American National Foundation, the American government has enacted punitive legislations like the Cuban Democracy Act and the Helms-Burton Law. The embargo against Cuba dated from 1962, with the culmination of unilateral US response to a series of developments in Cuba during the height of the Cold War (Purcel 1998). The US economic embargo has been in place for years. Yeiber (2013) observes:

Although there are many, increasingly sophisticated economic war measures imposed by the US government on Cuba today, the rationale and purpose was set out shortly after the 1959 victory of the Cuban revolution. The memorandum written by Deputy Assistant Secretary of State for Inter-American Affairs, Lester DeWitt Mallory, on April 6, 1960, and declassified 30 years later, states that the majority of Cubans support Castro [...] An effective political opposition does not exist [...]; the only foreseeable means of alienating internal support [to the government] is through disenchantment and disaffection based on economic dissatisfaction and hardship [...] all possible means should be undertaken promptly to weaken the economic life of Cuba [...] [by] denying money

and supplies to Cuba, to decrease monetary and real wages, to bring about hunger, desperation and overthrow of government.

Since the collapse of the Soviet Union and the end of Moscow's substantial economic aid to the island, Washington has tried to take advantage of Cuba's new economic vulnerability by tightening the embargo in a bid to prevent Castro's government from replacing Soviet aid with foreign direct investment (FDI). The main goal of Washington has been to eliminate the Castro regime through enforcement or revolt on the island (Purcel 1998). According to Rodriguez (2016:1), sanctions imposed against Cuba are not at all targeted or smart; on the contrary, they broadly affect imports, exports, shipping, and international financial transactions. Consequently, they are traditional sanctions that are subject to some ethical objections. The imposition of Washington's post-Cold War policy toward Cuba has been caught up in a large debate concerning the effectiveness of economic sanctions in general and of unilateral sanctions in particular as a way of driving change in the nature and behaviour of hostile regimes.

Supporters of US policy in contrast argue that the embargo against Cuba could not work during the Cold-War, when Havana received billions of dollars from Moscow (Purcel 1998). Washington's ability to influence Castro's behaviour and topple him has increased in that period. The Cuban leader called off promised elections in April 1959 and further announced that Cuba did not want US economic assistance (Purcel 1998). Immediately after taking power in January 1959, the new Cuban Government took the first steps towards the implementation of the Moncada programme. Rodriguez (2016), citing Bell, Lopez and Caram (2008), asserts that the "Moncada Programme became the platform of the 26th of July Movement (Movimiento 26 de Julio, M-26-7), named after the military garrison that was attacked on 26 July by a group led by Fidel Castro. The programme, which became basically the platform of the new government, was profoundly nationalistic. The 1940 Constitution was reinstated and amended; the telephone company was nationalised as early as March 1959; and on 17 May 1959, the Agrarian Reform Law was enacted" (Bell, Lopez & Caram 2008). The Moncada Programme involved a strong and swift structural transformation that began incorporating new property relations and class relations. These policies in turn limited the possibilities for private capital accumulation. In May, Cuba adopted an agrarian reform law that led to the expropriation of US-owned properties on the island (Purcel 1998). Later, Moscow and Havana signed a trade agreement under which the Soviet Union agreed to purchase

sugar from Cuba with crude oil. The Cuban government saw these actions as a means to achieve economic sovereignty and social justice.

Rodriguez (2016:18) reports that by the end of 1959, “the United States government with the support of the Cuban propertied class gradually applied economic pressure in the form of economic sanctions, accompanied by political and diplomatic isolation, military threats, and covert actions aimed at overthrowing the government. In 1960, President Eisenhower ordered the Central Intelligence Agency to begin training Cuban exiles in a bid to invade Cuba. Castro’s government then ordered the foreign-owned oil refineries to process Soviet crude oil, and their refusal led to their being nationalised. In response, the US congress authorised the President to cut off the yearly quota of sugar imported from Cuba under the Sugar Act of 1948. Two days later, Cuba authorised the nationalisation of all US property in Cuba, which was valued at \$1.8 billion. Later, Eisenhower did cut Cuba’s remaining sugar quota for 1960 by 95 percent. Beginning in the early 1960s, the economic sanctions evolved into a comprehensive blockade against the island, incorporating every major method available to a sender state: trade control, suspension of aid and technical assistance, freezing of the target’s financial assets, and blacklisting of companies outside the United States involved in bilateral business (Doxey 1980:14). The Cuban government nationalised US-owned banks, industrial and agrarian enterprises, and wholesale and retail enterprises. In response, Eisenhower fixed Cuba’s 1961 sugar quota at zero percent (Purcel 1998). In the same year, the Cuban government restricted the number of personnel in the US Embassy in Havana to a maximum of 11, and gave the remaining embassy staff two days to leave the country. The US then broke ties with Cuba and travel to Cuba by US citizens was forbidden. On 4 September, Congress passed a resolution of the foreign assistance Act 1961, prohibiting aid to Cuba and authorising the president to establish and maintain a total embargo upon all trade between US and Cuba.

The Unilateral US embargo targeted Cuba and did not prevent third parties from trading with the island (Purcel 1998). It had extraterritorial aspects, however, in that it prohibited the re-exportation from third countries to Cuba of commodities of US origin. In early 1963, the National Security Action Memorandum 220 prohibited US aid to countries that failed to prevent aircraft or ship under their registry from engaging in trade with Cuba (Gorove & Krinsky 1993). Foreign subsidiaries of the US Corporation were not prohibited from trading with Cuba, although the Treasury Department pursued an informal policy of applying force to United States parent

companies to ensure that their foreign affiliates voluntarily refrained from involvement in Cuba's transactions (Gorove & Krinsky 1993). Despite its unilateral nature, the embargo became multilateral in practice within the Western Hemisphere. The Organization of American States (OAS) met in Punta del Este in January 1962 and imposed limited sanctions on Cuba, and excluded its present government from participating in the inter-American system (Purcel 1998). Two years later, the OAS voted to require its members to break diplomatic relations with Havana, to impose a collective trade embargo on Cuba, and to suspend transportation to and from the island. However, Latin American governments also responded to Castro's government's efforts to spread the communist revolution to their countries.

### ***6.2.1 The Rationale Behind the Imposition of Sanctions on Cuba***

The main rationale for economic embargo was the threat to US national security posed by a Communist Cuba. The embargo was at the best a second-choice policy that implemented in the aftermath of the failure Bay of Pigs invasion. The embargo represented Washington's efforts to make the best of a bad situation (Purcel 1990). In 1962, when the United States unilaterally imposed its embargo against Cuba, it was unclear on how much economic aid the Soviet Union would provide to the island in the long run. The objectives pursued by the United States in imposing sanctions on Cuba can be classified under two factors: overthrow and containment (Roca 1987). In the early phase of the confrontation, the basic intent of US economic sanctions, in relation to military and diplomatic action was to overthrow Castro's regime. After the administered cut of the sugar quota in July 1960, Eisenhower declared sanctions against Cuba.

The former US ambassador Philip Bonsal concluded that the suspension of the sugar quota was a major element in the programme for the overthrow of Castro (Blasier 1971). In this comprehensive review of the event and attitudes of US to Cuba leading to formal break of their ties, Blasier assessed the sugar quota cut as an economic tool designed to eliminate Castro's regime. According to Blasier, in addition to the 'decisive motivation' related to Washington's perception that Castro was becoming conduit for Soviet political and military meddling in the continent and coupled with Cuban leader's open and belligerent defiance of US political primacy in the hemisphere. US sanctions were influenced by private economic consideration. Whatever the mixture of ideology, the mixture of public, economic, diplomatic, and military and other personality consideration and motives, the early US economic sanctions were intended to eliminate Castro's regime. From 1964

the US sanction became containment of the Castro revolution as an objective. According to Bander (1972), the nature of US sanctions was transformed from specific to indeterminate. The particular objectives pursued under the containment policy outlined by Under Secretary of state included the following aspects:

- To reduce the will and ability of the present Cuban regime export revolution and violence to the American states.
- To make plain to Cubans and to the elements of the power structure of the regime that the present regime cannot serve their interest.
- To demonstrate to the American republics that Communism has no future in the Western Hemisphere
- To increase the cost to the Soviet Union of maintaining a communist outpost in the Western Hemisphere.

US policy towards Cuba remained virtually unchanged through 1980, with the key element being containment as an objective, the basic purpose was punitive and the ultimate goal was still to be clearly defined. US efforts were concentrated on limiting and reducing the effectiveness of Cuba aggressive policy in all its dimensions (Roca 1987). It is clear that at present US policy is designed to increase the economic cost of Cuba and to the Soviet Union of pursuing respective, coincidental comprehensive policy. According to Ritter (2010:2) the US economic sanctions had considerably less impact on Cuba's development during the 1970s and 1980s due to preferential trade and aid from the Soviet Union and the Eastern European bloc. But when the Soviet Union dissolved, Cuba lost 75 to 80% of its trade and Cuba's economy went into a free-fall and Cuba's gross domestic product (GDP) contracted by a third.

### ***6.2.2 Sanctions Adopted on Cuba***

The first sanctions major economic sanctions imposed by the US was the cutting of Cuba's sugar quota by 700,000 tonnes in July 1960 which resulted in nearly US \$80 million loss in income to the Castro regime (Roca 1987). On 3 February 1962 the formal US embargo on Cuban trade was implemented by Presidential Proclamation 3447. The legal foundation of US embargo contained three statutes: the trading with the Enemy Act of 1917, the Foreign Assistance Act of 1961 and the Export Administration Act of 1969. The provisions of the US embargo resulted in the following developments: the ban of all trade with Cuba, with an exemption for humanitarian reasons, the requirement of US approval for export or reexports to Cuba of commodities originating in the US,

the restrictions of the use of US ports by foreign vessels trading with Cuba and the requirement of US Treasury Department authority for new imports allowed in Cuba (Ender 1981). In 1967, the US embargo was multilateralised through hemisphere approval and support at the Organization of American States (OAS).

The following OAS sanctions were imposed on Cuba: the severing of diplomatic and commercial relations, suspension of all trade except food stuffs, medicines and medical equipment, suspension of sea and air services to and from Cuba, establishment of passport restrictions on travel to and from Cuba, recommendation that government owned or financed cargoes not to be shipped on vessels sailing to Cuba, the general call to Western allies to restrict their trade and financial ties with the island (Bender 1975). Based on the OAS resolution, the US State Department announced a modification of aspects in the US policy which affected third country trade with Cuba (Roca 1987). Under the revised regulations, foreign subsidiaries of US firms located in third countries, were granted licences for the export of non-strategic foreign made goods to Cuba. Moreover, the United States lifted the suspension of US aid to countries that traded with the island. The United States kept putting pressure on Castro's government, in response to Cuba's external financial crisis, the US tried to undermine the debt restructuring effort by pressuring other Western creditors to demand hard International Monetary Fund terms. United States raised financial cost to Cuba of any accommodation with its creditors.

### ***6.2.3 Effects of US Sanctions on Cuba***

United States economic sanctions were just one of the many factors which led to the downfall of Cuba's economy. From the start, Cuban leaders and economic officials readily acknowledged the relative insignificance of the embargo's impact because there were many persuasive explanations for the mounting economic difficulties. Ernesto Guevara railed in 1961 against explaining away every problem by blaming the US blockade and the increase in domestic consumption levels. Castro disclose the problems that were encountered in Cuba as a result of the embargo on purchase of equipment and spare parts, which resulted in technical level of operation and mechanics and even the reputation hence leading to real tragedy. The embargo led to costs such as losses in export income; additional costs of imports and transportation; indirect negative effects, for example, difficulty in acquiring spare parts for machines; a need to expand warehouse capacity; and technological incompatibility with new suppliers.

Accordingly, Rodriguez (2016:19), in summarising the far-reaching effects that the sanctions had had on Cuba, noted the following:

Cuban export products are still prevented from entering the US market, the largest in their region and the closest to Cuba; Cuban trade with companies located in the US territory or their subsidiaries abroad is forbidden. Cuba cannot use the US dollar in international business transactions, which in turn increases costs, [which] makes it necessary to turn to third markets or intermediaries, thereby perpetuating the so-called Cuba risk and discourag[ing] potential investors.

The US economic sanctions continue to present a formidable barrier to trade, foreign investment, and the development of Cuba's financial sector. The Cuban financial sector has been choked if not strangled by the diabolical economic sanctions imposed upon Cuba by the US. The sanctions are being imposed in such a way that they block every leeway available for Cuba to emancipate itself. For example, Krauland, Rathbone, Heyes, Rapa, Early and Jeydel (2015:20) note that in the last few years, French, Dutch, German, British and other non-US banks have been heavily fined for conducting transactions with Cuba. Commerzbank of Germany paid fines totalling US\$1.7 billion for processing financial transactions involving Cuba, where, between September 2005 and December 2007, Commerzbank processed 56 transactions related to Cuba involving a total of US\$2 283 456 (Krauland et al. 2015). For these transactions, which involved millions of dollars, Commerzbank was given a cumbersome penalty that was worth more than a billion dollars. This was a deterrent measure so that Commerzbank and other financial institutions would be wary of dealing with Cuba for fear of these unbearably heavy penalties. The US punitive stance has escalated to the extent of punishing individuals who and corporations which try to align themselves with Cuba.

In addition to the above, there are other documented cases of parties, nations, corporations and individuals who received a whip from the US for the purported offence of doing business with Cuba. Whitefield (2016:14) had this to say:

In March 2015, after the US and Cuba began normalizing their relations, the Treasury Department reported eight enforcement actions involving Cuban cases, with fines totaling US\$ 5 278 901. The policy of actively pursuing prosecutions has continued in 2016 where two countries were fined in February 2016. These were a French geosciences company, CGG Services and Halliburton Atlantic and Halliburton Overseas, two foreign subsidiaries of Houston-based Halliburton Energy Services.

In this scenario, the US chose to overlook her efforts to restore and normalise relations and went further in punishing companies that were conducting business with Cuba. In this scenario, it can

be noted that the US economic sanctions have certainly affected the economic and social rights of the Cuban population. The Cubans are continually having their socio-economic lives hampered by these economic sanctions. The embargo continues to affect specifically the Cuban population's access to many basic rights including medical care, food, security, potable water, housing, and education. In highlighting the severity of the economic sanctions on Cuban social wellbeing, it can be noted that the Cuban education system has been crippled by these distressing economic sanctions. For example, Rodriguez (2016) notes the following hardships that are being countenanced in the Cuban education system as a result of the economic sanctions that were imposed on her by the United States of America:

The sanctions limit Cuba's access to information technology tools that are crucial to produce educational multimedia and these include Adobe Flash, Toolbook and Mediator. Sanctions also limit access of Cubans to bibliographic sources and software, such as those provided by Cisco systems or Oracle Symantec, Sun Microsystems, Procite and End Note. The licenses to access these tools have to be paid to US companies and such transactions are prohibited under current regulations (that is the United Nations Children's Fund in Necessity of Ending Economic, Commercial and Financial Embargo imposed by the USA against Cuba). Thus despite having highly qualified teachers and researchers, Cuban educational institutions find it difficult to access the latest tools and information needed to maintain and improve education services.

In addition to the education system, the health sector has been immensely affected as well. Rodriguez (2016) notes that one particular area of concern is healthcare; nearly 80% of the patents in the medical sector are issued to US pharmaceutical multinational companies and their subsidiaries, which gives them a monopoly on many of the most effective drugs available. According to Lamrani (2013), the embargo laws impose such extensive restrictions that Cuba cannot get access to these medications. All these actions by the US against Cuba are clear violation of the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

#### ***6.2.4 The Cuban Response to the US Sanctions Regime***

This section will consider the domestic economic implications on Cuba of the economic sanctions imposed by the US. A distinction is based on the total cost and the net cost of economic sanctions to the Cuban economy. The US sanctions led to the decline in the Cuba's economic shortfall and Fidel Castro reacted to the imposition of US sanctions in 1960 with defiance. The US refineries refused to accept Soviet petroleum. Castro warned US that he would nationalise everything owned

by Americans in Cuba (Philips 1960). Castro nationalised \$1.8 billion worth (Fisher 2014). Castro then turned to the Soviet Union, whose willingness to replace Washington as Cuba's economic partner cushioned the embargo's blow which might otherwise have been fatal for dependent Cuban economy. Castro later declared himself to be a Marxist-Leninist. By 1962 the Soviet Union had recognised Cuba as a member of the socialist bloc, thereby committing itself to the revolution's survival (Levesque 1978). The embargo was more effective in 1960s when Cuba's stock was still under control of US manufacture and the embargo prevented Cuba from acquiring spare parts for machinery.

Due to pressure from Washington, the OAS adopted mandatory economic and diplomatic sanctions on Cuba. Washington's NATO allies in Europe were more reluctant to sever trade relations, but most complied through cutting aid and credits to Havana (Morley 1987). The trade between US and Cuba fell from 68 percent to 0 percent in 1962, while the trade with the Soviet Union increased from 1 percent to 49 percent in 1962. Soviet economic assistance was worth \$3 billion (LeoGrande & Thomas 2002). Because of the Soviet assistance the US embargo became more in convenience than threat, since it forced Cuba to become increasingly integrated into the Council of Mutual Economic Assistance (CMEA). The severe depression of the 1990s left the Cuban economy vulnerable to US embargo, which slowed its recovery. In January 1999, President Clinton announced several additional measures to support the Cuban people. These included a broadening of cash remittances to Cuba, so that all US residents (not just those with close relatives in Cuba) could send remittances to Cuba; expansion of direct passenger charter flights to Cuba from additional US cities other than Miami; and a loosening of restrictions on travel to Cuba for certain categories, such as professional researchers and those involved in educational, religious, and sports activities.

The Bush Administration took several measures in 2004 to tighten US sanctions against Cuba. In February, President Bush ordered the Department of Homeland Security to expand its policing of the waters between Florida and Cuba with the objective of stopping pleasure-boating traffic. In March, the State Department announced that it would deny visas to those Cubans who participated in the "show trials" of dissidents in March 2003, an action that will reportedly cover some 300 Cubans. On May 6, 2004, President Bush endorsed the recommendations of a report issued by the interagency Commission for Assistance to a Free Cuba, chaired by then-Secretary of State Colin

Powell. The Commission made recommendations for immediate measures to "hasten the end of Cuba's dictatorship," as well as long-term recommendations to help plan for Cuba's transition from communism to democracy in various areas. The President directed that up to \$59 million be committed to implement key recommendations of the Commission, including support for democracy-building activities for airborne broadcasts of Radio and TV Marti to Cuba.

In 2005, the Administration continued to tighten US economic sanctions against Cuba by further restricting the process of how US agricultural exporters may be paid for their sales. On February 22, 2005, the Treasury Department's OFACs amended the Cuba embargo regulations to clarify that the term of "payment of cash in advance" for US agricultural sales to Cuba means that the payment is to be received prior to the shipment of the goods. This differs from the practice of being paid before the actual delivery of the goods, a practice that had been utilised by most US agricultural exporters to Cuba since such sales were legalised in late 2001. In response to the crisis, the Cuban government initiated a series of measures to cushion herself from the adversities of the economic sanctions as well as to rebuild the economy by engaging in joint ventures with foreign companies and establishing relations with a broad array of new partners.

### **6.3 Sanctions on Iraq**

This section traces the origin of the sanctions that were imposed by the United Nations on Iraq, the rationale behind the imposition of sanctions against Iraq, the nature of the sanctions that were imposed on Iraqi as well as the effects of the economic sanctions on Iraq. The United Nations mission in Iraq has been by far the largest in the history of the organisation. It has also been the most important, with significant implications for the future of sanctions policy. The sanctions that were imposed in Iraq were a response to Iraq's invasion and occupation of Kuwait (United Nations Council Resolution 661, 1990), and were the most comprehensive economic measures ever devised by the UN. In tracing the origin of the sanctions against Iraq, Bahdi (2002:233) highlights the following:

The story of Iraq's crime and punishment is well known in its broad outline. On August 2, 1990, Iraq invaded Kuwait. That same day, the Security Council passed Resolution 660, calling for Iraq's immediate withdrawal from Kuwait. On August 6, 1990, the Security Council passed Resolution 661, an order for comprehensive trade, financial and military embargo of Iraq with the exception of certain limited humanitarian provisions. It also created the [Resolution] 661 Committee or the 'Sanctions Committee' to oversee the resolution. A coalition of twenty-six countries under American

command went to war against Iraq in January 1991; this would prove to be the first of a series of military raids on Iraqi soil. Throughout the fighting, tons of bombs, including a reported 315 tons of depleted uranium, were dropped on Iraq; electrical stations and water purification stations were bombed as military targets, and thousands of civilians were killed. A United Nations investigation sent to Iraq shortly after the bombing called the situation 'near apocalyptic' and 'concluded that life had been reduced to a 'pre-industrial stage'. According to some accounts, as many as 1 600 women and children died on 13 February 1991 alone when they were burned alive during the bombing of the Amariyah Shelter (Cainkar 1991; Quigley 2000; Rokke 2002).

This attracted the imposition of economic sanctions on Iraq by the United Nations. The sanctions remained permanent for more than nine years, making them the longest of the cases examined. The consequences of this prolonged economic meltdown, combined with the destruction resulting from the 1991 Gulf War, which then created the worst humanitarian crisis of the decade through its execution of the death of hundreds of thousands of Iraqis. In an attempt to ameliorate this crisis, the UN mounted the largest humanitarian relief operation in its history, the oil food programme (Cortright & Lopez 2000). By 1999 this programme had sent more than \$4.5 billion worth of food and medicines to the Iraq people. After all the efforts, the political results of the UN sanctions seemed meagre. Resolution 661 failed to achieve its objective of forcing Iraq to withdraw from Kuwait, and they returned in January 1991 to war. Nor were sanctions forcing full compliance under the Gulf War Cease-fire Resolution 687 (1991), especially the disarmament mandate for the "destruction, removal or rendering harmless" of Iraq's weapons of mass destruction effective (Cortright & Lopez 2000). The political wars between Iraq and the United States and subsequent bombing raids prevented the developments of a bargaining dynamic and unnecessarily prolonged both the political crisis and the agony of the Iraqi people. When Iraqi forces illegally invaded Kuwait, the Security Council met to condemn the invasion and demanded that Iraq immediately and unconditionally withdraw its forces. Opposition to Iraq was nearly universal, coming from the Gulf Cooperation Council, the league of Arab States, the organisation, and individual nations (Cortright & Lopez 2000).

### ***6.3.1 The Reasons Behind the Imposition of Sanctions against Iraq***

With regard to the US, a number of objectives have been proposed as a rationale for their sanctions policy against Iraq. It has been argued that the primary purpose of the US's imposing sanctions on Iraq was to put emphasis on neutralising Iraq, avoiding hostility against Kuwait, other Gulf states, and US allies generally. The United States created a solid military presence in the Gulf region to

prevent any Iraqi aggression. Furthermore, the United States increased its forces in the region in times of crisis and sometimes undertook military strikes to prove its commitment. Byman (2001) postulates that another crucial component of suppression was keeping Iraq's military forces weak. In order to achieve this objective, the United States and its allies, through the United Nations, set restrictions on Iraqi oil sales and oversaw the revenues from oil sales to ensure that they were not diverted to rejuvenation of Iraqi forces (Byman 2001). Furthermore, the focus or the emphasis by the United States was mainly directed to Iraq's Weapons of Mass Destruction (hereafter referred to as WMDs) programme. Evidence uncovered after the Gulf War, however, showed that Iraq's project of producing a nuclear weapon was virtually non-existent and that its once massive chemical weapons reserves had been degraded.

Washington was startled by the unrelenting antagonism that Saddam Hussein had towards the United State and its allies as well as his ownership of WMDs, which could kill hundreds of thousands of people if launched properly (Byman 2001). The main goal of the United States was to maintain regional stability even as it pursued its own ambitious agendas in Iraq. Moreover, the United States feared that the presence of the US in the region and undertaking any actions required to neutralise Iraq or overthrow Hussein might have the negative effect of destabilising its regional allies. Like military strikes, sanctions were shunned. As a reaction, regional governments have usually condemned US policy, refused to give the required backing, or else have dissociated themselves from Washington. US policy makers have gradually identified a conflict between the use of force and the stability of US allies. Numerous extremists in the region have been infuriated by the increase in US military personnel and the continued use of force against the Iraqi regime, and this has threatened the stability of US allies and the lives of US personnel (Byman 2001). Advocates of the Security Council's actions against Iraq evaluate the usefulness of the sanctions regime to a large extent in terms of their capability to neutralise Saddam Hussein's ability to produce weapons of mass destruction. The purported reason for imposing sanctions against Iraq was to control Iraq's leaders.

### ***6.3.2 Sanctions Imposed on Iraq by the United Nations***

The Security Council later adopted Resolution 661, 1990 under Chapter VII of the UN Charter, imposing comprehensive mandatory sanctions on Iraq and creating a sanctions committee to monitor implementation of the sanctions. These sanctions were the most universally

comprehensive sanctions in modern history, and focused significantly on Iraq's export of oil (its largest money-generating commodity). Accordingly, Picture (1997) opines that the sanctions were, however, so broad as to target the entire economy of Iraq and its extensive weapons maintenance, development, production and delivery systems and capabilities. The sanctions that were imposed through Resolution 661 included a ban on all trade, an oil embargo, suspension of flights, an arms embargo, and a freezing of Iraq government financial assets, as well as a prohibition on financial transactions (Picture 1997).

They were given exemptions on "supplies intended strictly for medical purposes and in humanitarian circumstances, and foodstuffs" (Picture 1997). Furthermore, strong measures were quickly taken to enforce the sanctions. On 25 August 1990 the Council called upon member states to impose a sea blockade, urging action to "halt all inward and outward maritime shipping" (Resolution 665, 1990). All shipping on the Shatt-al-Arab waterway in the south of Iraq was intercepted and all vessels approaching the Jordanian port of Aqaba were boarded and inspected. Enforcement of the oil embargo was facilitated by the cooperation of neighbouring states. Pipeline shipments through Turkey and Saudi Arabia were cut off after the imposition of sanctions. The imposition of trade sanctions and the oil embargo benefited greatly from the cooperation of neighbouring countries, especially Iran and Turkey. Some sanctions violations inevitably occurred, through modest traffic of overloaded trucks and smaller ships along the southern waterway, but Iraqi revenues from these shipments declined in comparison with previous earnings.

The Security Council tightened the sanctions, and the United States and UN members deployed substantial military forces to the region. Some argued that sanctions were economically effective and should have been given more time to produce political compliance, while others, particularly the US and British government, dismissed the prospects for sanctions success and pressed for prompt military action (Cortright & Lopez 2000). On 29 November 1990 the Security Council adopted Resolution 678 authorising member states to use "all necessary means" in order to liberate Kuwait and giving Iraq "a pause of goodwill" until January 1991 to comply with the UN demands. On 16 January 1991, the United States and its coalition partners launched a massive air campaign which was followed by a ground war that led to Iraqi forces moving out of Kuwait and effectively achieving the UN's principal objective of reversing Baghdad's aggression. After the end of the Gulf War, the Security Council adopted Resolution 687, establishing the terms of the cease-fire

and laying out an extensive set of conditions for the lifting of sanctions. Resolution 687 became the most complicated resolution since it was the longest one, and contained twenty-six paragraphs and thirty-four operative paragraphs. The resolution also set out eight specific conditions to which the Iraqi nation had to adhere for sanctions to be lifted (Resolution 678, 1991).

The resolutions included the recognition of Kuwait's territorial integrity and newly demarcated international borders with Kuwait; acceptance of a demilitarised zone with UN peace keepers along the Iraq-Kuwait border; monitoring and destruction of all chemical, biological and ballistic missile weapons; and acceptance of a permanent ongoing oversight programme managed by the United Nations, monitoring elimination of nuclear weapons materials and capabilities, and supervised by the International Atomic Energy Agency (IAEA). The UN also monitored the return of all the property taken from Kuwait and the acceptance of war damages liability. A compensation fund was managed by the UN, as well as repatriation of all Kuwait and third-party nationals, and a promise not to commit or support any act of international terrorism. The government of Iraq later announced its acceptance of Resolution 687 but Baghdad harshly criticised the resolution, labelling it an unjust assault on Iraq sovereignty. Although Iraq pledged to comply with the Resolution, its actions told different stories and reflected a deep reluctance actually to implement the stated terms. This launched a gruelling contest of wills between Iraq leader Saddam Hussein and Western leaders over the implementation of Resolution 687 that continued for more than nine years. The greatest controversy lay in the confrontation between Iraq and the UN which centred around the disarmament provision of Resolution 687. According to Eland (1993), the Security Council imposed sanctions to compel Saddam Hussein to withdraw forces from Kuwait and impede the Iraqi army's readiness for war.

### ***6.3.3 The Effects of the Economic Sanctions on Iraq***

The sanctions imposed under this resolution led to humanitarian hardships through a high death toll of both soldiers and civilians in Iraq; and the bombing of targeted vital electrical, water, and sanitation systems greatly magnified the destructive consequences of the war and increased the civilian death toll. The imposition of comprehensive sanctions compounded and exacerbated the impacts, making it extremely difficult to rebuild economic infrastructure and repair war-related damage. United Nations officials later developed a plan for using Iraqi oil revenues to finance humanitarian relief. On 15 August 1991, the Security Council adopted Resolution 706 which

spelled procedure for the proposed oil for food programme. The Resolution was very chaotic since it permitted the sale of up to \$1.6 billion worth of oil over a six-month period, with the proceeds to be deposited in the UN escrow account and to be used to finance humanitarian imports. Thirty percent of the oil revenues would be deposited in a war reparations fund, with the additional sums set aside for compensational costs for UN operations in Iraq. Resolution 706 violated the sovereignty of Iraq since the oil revenues were to be used to finance war reparation and other UN activities. Later, Resolution 712 was passed, the main aim of which was to establish a basic structure for the implementation of the oil revenues for food programme.

Iraq, however, refused to accept Resolutions 706 and 712, asserting that the proposals made in the resolutions were very harsh, since the procedures for providing humanitarian relief were a violation to Iraq sovereignty. In the light of Iraq's refusal to cooperate in the provision of humanitarian aid confronted with continuing reports of the humanitarian situation in Iraq, the Security Council adopted Resolution 778 in October 1992, calling on all member states in which there were funds from the sale of Iraqi oil prior to the Gulf crisis to transfer the funds to the UN escrow account established under Resolutions 706 and 712. The humanitarian relief fund failed, with only two countries indicating that they held assets that could be transferred to the escrow account. The UN later on adopted Resolution 986, establishing a new formula for the oil for food programme. The Resolution permitted the sale of \$1 billion of Iraq oil every three months and led to concessions to Iraq's concerns about sovereignty by giving Baghdad the responsibility of distributing the humanitarian goods. The UN extended the programme in June 1997 by passing Resolution 1111; however, Baghdad failed to submit the required distribution plan for humanitarian goods and withheld oil sales.

The refusal to sell oil led to a substantial shortfall in revenues for humanitarian relief, causing delays and difficulty in the purchase and delivery of supplies. In response to continuing malnutrition and the evident inability of the oil for food programme to stem health emergencies in Iraq, the Security Council adopted Resolution 1153 in February 1998, extending the programme and raising the level of authorised oil sales to \$5.25 billion every six months. The resolution once passed led to Iraq's official and independent experts raising concerns on the incapacity of the country in pumping enough oil in order to meet the target as a result of disrepair and a lack of spare parts in the oil industry. In response to the concerns, the Security Council adopted Resolution

1210 in order to allow Iraq to purchase the spare parts and pumping equipment for the oil industry as part of humanitarian relief. Despite the difficulties involved in the implementation of the resolutions, the oil for food programme can be rated as successful. The official purpose of continuous UN sanctions was to achieve Iraqi compliance with Resolution 687. Sanctions also contributed to the considerable progress achieved in the UN weapons inspection and dismantlement effort. Although Baghdad impeded UNSCOM's effort and expelled the weapons inspector following the US bombing raids of December 1998, substantial progress was achieved towards eliminating Iraq's chemical, biological, ballistic missile and nuclear weapons programmes.

In summarising the impact of economic sanctions on the Iraqis, Boris Kondoch (n.d.:1) noted the following:

The humanitarian problems caused by economic sanctions are illustrated best by the example of Iraq, as the regime imposed on Iraq is the most comprehensive in UN history. From 1991 on, an increasing number of reports documenting the adverse impact on the impact of sanctions began to circulate. Humanitarian agencies agree that conditions in Iraq have continued to deteriorate even after the initiation of the 'oil-for-food' programme. Several UN agencies and human rights organizations have produced reports on malnutrition due to the food blockade and on severe health problems due to the absence of medicines and water purification systems. A 1996 study estimated a ten per cent drop in Iraq's GDP since the imposition of the UN sanctions. A joint UNICEF and Iraqi government survey pointed to a deterioration since the Gulf War and the imposition of sanctions. The mortality rate among children under the age of five doubled from 56 per 1 000 live births between 1984-1989 to 131 between 1994-1999. The survey's principal conclusion is that Iraq should be allowed to raise additional proceeds and to spend the proceeds more freely. Various UN agencies have estimated that the sanctions have contributed to hundreds of thousands of deaths.

The sanctions imposed on Iraq have caused massive deaths and untold suffering among the Iraqis. The economic sanctions have not only affected the economic facets of the people's lives; they have also affected the social wellbeing of innocent lives and helpless children. There is an appalling and ongoing human tragedy in Iraq as young children are dying from lack of clean water, basic medical care, and food. Das Ramos (n.d.) contends that estimates of the excessive number of deaths of children during these 12 years range from around 250 000 to well over 1 000 000, with some 500 000 Iraqi children suffering from acute malnutrition. Additionally, 1 000 000 children are suffering from chronic malnutrition.

Intended as a humane alternative to war, the sanctions have nonetheless led to such high levels of death and suffering, particularly among women and children, that commentators have labelled them “genocide”, a “medieval military siege”, and “a humanitarian disaster comparable to the worst catastrophes of the past decades” (Bahdi 2002; Clark 1998; Koechler 1995). These economic sanctions against Iraq have caused untold suffering and tribulation among the Iraqis. The sanctions have claimed more lives in a ruthless manner that surpasses violent or militarised conflict where at times children and women are salvaged and protected. But the economic sanctions have unsparingly and indiscriminately affected innocent souls. In this vein, it can be noted that there is no doubt that life under “the embargo” has visited destruction upon the Iraqi people. To date the actual death toll remains contested. Yet it is clear that few have been spared the negative consequences of sanctions. At least some commentators observe that “sanctions against Iraq have killed more people than the two atomic bombs dropped on Japan” (Bahdi 2002; Cainkar 1991; Norman 1999).

On the economic front, the effect of sanctions was to bring to an immediate end revenue from oil export as well as to isolate Iraq from other sources of income such as foreign borrowing. As a result, Iraqi imports decreased drastically from “\$10.3 billion in 1988 to just \$0.4 billion by 1991” (Boone, Gazdar & Hussain 1997:8). There was also a significant effect on earnings and livelihoods. Boone et al. opine that “real earnings fell by around 90 per cent in the first year of the sanctions, and then fell by around 40 per cent more between 1991 and 1996 (Boone et al. 1997:2). There has been a steady shift of people into casual labour. Wages in this form of employment are now much lower in Iraq than wages for casual workers in some of the poorest parts of the world. Qualitative observations on the type of survival strategies to which Iraqis are resorting confirms the impression that in many ways Iraq is now very much like some of the poorest countries in the world, whereas before the sanctions it could be placed on a par with the Upper-Middle income countries”. Over and above these considerations, it can be noted that the human and economic cost of the sanctions has, indeed, been enormous, and it has largely been borne by the civilian population of Iraq (Boone et al. 1997:3).

Despite the adverse effects, some achievements can be noted in light of the sanctions imposed in Iraq, and Boone et al. (1997) gave the following summary of some of the achievements to the United Nations that were gleaned in the process:

The main achievement of the sanctions regime is that the Iraqi regime has been forced to compromise, albeit grudgingly, on a number of issues relating to regional security, and Iraq's military power has been contained. The compromises include the unconditional acceptance by Iraq of its boundary with Kuwait, as demarcated by the UN Iraq-Kuwait Boundary Demarcation Commission, the (partial) destruction of the stockpiles of long-range missiles, biological weapons and fissile material, and the dismantling of the facilities for their production. The sanctions have also severely weakened the Iraqi economy, and hence reduced the power of Saddam Hussein's regime to conduct belligerent activities in the future. But given that six years later the regime remains in power, it is clear that sanctions have failed to topple the regime as some observers had hoped. Further, the regime remains as brutal and uncompromising in its treatment of political opponents as it was prior to sanctions. If one goal of sanctions was to improve human rights in Iraq, then to date sanctions have clearly failed in this regard. Hence the main achievement of sanctions is a reduction in Iraq's offensive capability. But this has come at great cost in terms of increased poverty, and large dislocation in a country of 20 million people.

The Iraqis' military power was contained as well as its offensive capability by weakening Saddam Hussein's regime and incapacitating it from conducting belligerent activities in the future. However, it can be noted that the UN strove to safeguard and uphold myopic and selfish interests of controlling and containing the leaders as well as debilitating the Iraqi army, but at the expense of the general livelihoods of the citizenry. Over and above, it is imperative to look at another striking case of a country (Zimbabwe) that also fell victim to the United States economic sanctions.

#### **6.4 Sanctions against Zimbabwe**

Following condemnation and thorough denigration on a number of disputes, Zimbabwe has been under sanctions for close to two decades. Between 2000 and 2003 many sanctions were imposed on Zimbabwe by the United States of America, the United Kingdom, Australia, Canada, and the European Union. Issues that led to the imposition of sanctions by these states included widespread reports of political and election violence, alleged human rights, violation of property ownership rights, and disrespect of the rule of law. Regarding all the issues by the Western regimes, consensus prevails among the Western States that the main objective of the sanctions imposed on Zimbabwe is to restore democracy according to the Western modern standards of democracy. In contrast with the Zimbabwe government, the use of sanctions is perceived as an illegal tool meant to destabilise the internal political affairs of the country and a serious contravention of the principle of non-interference in political internal issues as they led to a challenge in Zimbabwe's sovereignty

#### ***6.4.1 Genesis of Zimbabwe crisis***

The genesis of the Zimbabwe crisis is generally argued to have started with the World Bank and International Monetary Fund (IMF) which supported the Economic Structural Adjustment Programme (ESAP). The ESAP drafted the economic framework which later led to the economic crisis in Zimbabwe. Up to the introduction of the ESAP in 1991, Zimbabwe had a fairly diversified economy in which the manufacturing sector played a pivotal role in other African countries through trading (Chimhowu 2009). With the adoption of ESAP, the average GDP declined together with the growth which averaged 1.7 percent between 1991 and 1996, while the per capita income dropped by -1.9 percent (Chimhowu 2009). Furthermore Chimhowu (2009) cited Moore (2003), who observes that inflation rose from 15 per cent to 25 per cent while interest rates trebled. Carmody (1998) observes that “from 1994, Zimbabwe’s textile industries began to collapse, with a loss of over 6000 jobs”. However, de-industrialisation accelerated thereafter, as evidenced by large-scale closures in 1996. The ESAP reforms culminated in deteriorating social and economic conditions which led to the riot of IMF within Zimbabwe’s urban centres in 1994-1995. Persistent increases in inflation rates became a norm under the ESAP. Dansereau and Zimboni (2005) observes that food prices rose by 516 per cent, medical care, transport and education by 300 per cent, between 1990 and 1995, at which point households could no longer afford the basic necessities.

From the time of the ESAP adoption and with the suspension of the aid and support from the Breton Woods institutions, Zimbabwe experienced social and economic decline. The World Bank observes that implementing of the ESAP reforms was costly since it required US\$3.5 billion in new foreign loans over five years, which added to the existing US\$2.5 billion. Even worse, during the 1992-1993 fiscal year, interest on both domestic and foreign debt increased by 15 percent more than the projected level owing to high interest and volatility of exchange rates. This meant that Zimbabwe was heavily exposed to international financial institutions and their withdrawal of aid, which led to the inability to meet the balance of payment support, thereby fuelling the economic crisis. The adoption of the ESAP and its subsequent negative social and economic effects on Zimbabwe are seen as the foundation of the crisis (Bond & Manyanya 2002). After the economic meltdown, Zimbabwe imposed price controls on staple goods and increased tariffs on luxury goods. This led to a standoff with the IMF and stalled a bailout plan, which resulted in a shortage

of foreign currency and fuel (Bond & Manyanya 2002). The government faced a discontented coalition of labour, churches, student and civil society organisations demanding reforms from the state. This coalition culminated in the formation of the National Constitutional Assembly and eventually the Movement of Democratic Change (MDC) in 1999, and henceforth to change to Zimbabwe's political terrain.

#### ***6.4.2 The Zimbabwean Crisis and the Sanctions***

The genesis of Western-backed sanctions on Zimbabwe by Britain and its allies are a contested question. Two contending schools emerge: the Western world, domestic civil society and opposition parties argued that sanctions were imposed on Zimbabwe owing to a deteriorating human rights records and poor governance, while ZANU PF and allies argued that sanctions were a neo-colonialist agenda by Britain and her allies conspiring with the MDC to effect a regime change in Zimbabwe in an attempt to reverse the land reform. Chingono (2010) argues on the rationale behind the imposition of sanctions against Zimbabwe as marred with controversy from the perspective of both the sanctioners and the sanctimonious. The embargoes against Zimbabwe are either targeted or restrictive sanctions in nature, destined to oppose ZANU PF rule directly, while the Zimbabwean government argues that that they are economic in nature since the impact of these sanctions has stretched to infinite hurting unintended civilians (Chingono 2010).

The entrenched positions on the genesis of sanctions reduce the Zimbabwe crisis to the land reallocation versus governance disclosure. The Zimbabwean crisis lies in the land, which explains why Zimbabwe was under Western sanctions and not governance issues. Chingono (2010) observes that, on the contrary, the Zimbabwean government perceives the use of economic sanctions as an illegal toll meant to destabilise the internal political affairs of the country. Smith-Hohn (2010) observes that “the MDC insisted that the responsibility of sanctions rested upon the ruling party (ZANU PF) who's [sic] continued refusal to act in a democratic and accountable manner is to blame for the persistence of the sanctions regime”. According to the US Embassy spokesperson, “The US welcomes the opportunity to modify the targeted sanctions regime when blocked Zimbabwean officials demonstrate a clear commitment to respect the rule of law.” Following the land repossession from white farmers, the EU condemned the ZANU PF government by imposing sanctions on the regime in February 2002. The Commonwealth expelled

Zimbabwe for one year, and the World Bank cut off its funding on Zimbabwe's debt arrears, which had risen to over \$380 million (Lowe 2010).

### ***6.4.3 Sanctions Imposed by Western allies on Zimbabwe***

The US and the EU imposed targeted sanctions against Zimbabwe following reports against violation of international norms and mores including human rights, rule of law, media freedom, and free and fair elections consistent with liberal democracy. The raft of measures imposed on Zimbabwe by the Western allies includes an arms embargo, financial restrictions, asset freezes, and travel bans on the leadership in both countries. A brief political background of Zimbabwe will be given and related to the above norm and mores mentioned before examining the reaction of the West to the deficits thereof, specifically targeted sanctions. Soon after independence, which came after the culmination of a liberation war spanning almost two decades, the ZANU PF party has dominated the country's political playing field.

However, to appreciate contemporary Zimbabwe politics better, it is prudent to appreciate that at the heart of the history of Zimbabwe lies the all-too- emotive issue of land ownership. After forced dispossession, land ownership became a rallying point among black Africans in Rhodesia, leading to the 1960s and 1970s war of independence. In 1990 the government amended the Constitution and in 1992 passed the Land Acquisition Act (Taylor & Williams 2002). A 1998 International Donors Conference on Land acknowledged the need to address the imbalances in the country's land ownership after it learnt that almost 4 500 white farmers owned 70 percent of the country's agricultural land (Taylor & Williams 2002). The government curtailed the attendant unpalatable political consequences through embarking on a fast-tracked land reform programme (Raftopolous 2009). Britain reacted to this move, accusing the government of violating the country's property laws, and mobilised the US, the EU, Australia, Canada and New Zealand to impose sanctions against Zimbabwe (Chingono 2010). Consequently, the land reform programme was discredited in the West as a violation of human rights based on the fact that the white farmers had been driven off their land and forced to abandon their homes (Chingono 2010). The Western allies maintained that the land reforms constituted gross economic mismanagement (Maclean 2002).

The EU has been described as a 'normative power' (Camroux & Egreteau 2010). It used power to impose its normative preferences on other international actors (Camroux & Egreteau 2010). In

declaring unilateral sanctions against Zimbabwe, the US separately declared the government as hostile to US interests and continuing unusual and extraordinary threat to the national security and foreign policy of the United States (Weatherbee 2010). The EU has been a leading critic of the regime through support of the Movement of Democratic Change (MDC) (Maclean 2002). The US, the UK, the EU, Canada, and New Zealand accused the government of condoning political violence, of human rights violations, emasculation of the judiciary, and failure to respect the rule of law, all of which were combined as undermining democracy. As argued, of all the mentioned issues of concern to the West, it was perhaps the government's land reform programme that raised the former's hackles. Following the fallout of Zimbabwe, the British authorities later cut aid by one third in 2000 (Taylor & Williams 2002). In 2002 the UK pressurised the Commonwealth to act on the report that Zimbabwean elections held earlier were regarded by the West as not free and fair (Smith-Hohn 2010). About 400 families were banned from travelling to Europe while financial assets were frozen (Camroux & Egreteau 2010).

The regional grouping then decided to suspend Zimbabwe for a year, but President Mugabe pre-empted them by withdrawing the county's membership (Camroux & Egreteau 2010). In 2008, the UK and the US sought to have Zimbabwe censured by the United Nations Security Council (UNSC), but China and Russia and other non-permanent members of the UNSC blocked the move. International aid organisations opted to deal directly with the beneficiary audience rather than channel their aid through the government; some scholars suggested that the best way was to go, under the circumstances (Maclean 2002). The development has resulted in a shut-down between the international non-governmental organisations and the government of Zimbabwe. Zimbabwe was also excluded from the list of beneficiaries under the 2001 US-sponsored Africa Growth Opportunities Act (AGOA), which disbursed US\$200 million for US companies in the textile industry in sub-Saharan Africa in 2002.

The UK also influenced the SADC chairperson, by withholding US\$18 million in budgetary support unless the latter permitted the regional grouping to impose sanctions on Zimbabwe (Elich 2002). Western targeted sanctions were imposed in Zimbabwe in 1997 when the government of Britain Prime Minister, Tony Blair, refused to deliver Zimbabwe Republic Police (ZRP) vehicles after an advertisement by the government authorities to acquire 1 500 white-owned farms for resettlement (Taylor & Williams 2002). This became a precursor to the imposition of an arms

embargo. In 2000 the UK imposed a full arms embargo beginning with the withdrawal of its British Military Advisory and Training Team (BMATT) (Taylor & Williams 2002). In 2002, the other Western countries imposed an arms embargo against Zimbabwe. Members of the leadership of Zimbabwe were also subjected to a travelling ban to the UK, the US, and the rest of the EU countries. New Zealand banned the adult children of the targeted persons from studying in their institutions. President George Bush signed the Zimbabwe Democracy and Economic Recovery Act (ZDERA) in December 2001. The law directs the US treasury and directors in any multilateral financial institutions to oppose and vote for loans extension, credit or guarantee to the government of Zimbabwe, to oppose debt reduction or cancellation in respect of Zimbabwe and further authorised the US president to fund the private media (Elich 2002). As of 2008 ZDERA had targeted more than 200 ZANU PF functionaries and businesses.

#### ***6.4.4 Effects and Effectiveness of Targeted Sanctions against Zimbabwe***

The targeted sanctions against authorities in Zimbabwe have managed to hamstring the integration of the Southern African Development Community (SADC) region by ensuring and monitoring that Zimbabwe does not benefit under the EU Common Market for Eastern and South Africa (COMESA) tariff reduction scheme like the other regional members. In addition, the sustained US and EU efforts also threatened to create crevices within the SADC, as demonstrated by the political vituperation between Zimbabwe and Botswana over political developments in the former. From the Western view, they concluded that the targeted sanctions had managed to isolate the leadership of ZANU PF (Chingono 2009). The Southern African Development Community (SADC) stood its ground in defence of Zimbabwe, with every chair of the former calling for the lifting of the targeted measures because firstly, they felt they were not justified; and secondly, they were harming ordinary citizens (Eriksson 2007; Smith-Hohn 2010). This concerted effort was highlighted with regional delegations, including a three-member SADC presidential team sent to Western capitals to ask for the removal of smart sanctions (Zhangazha 2010). In support with Zimbabwe, the African leaders threatened to boycott the February 2003 France-Africa Summit in Paris if Zimbabwe was not allowed to take part. In contrast to the isolation of Zimbabwe by the Western countries, the targeted sanctions have, instead, apotheosised President Robert Mugabe as a pan-Africanist owing to his influence in Africa. Despite the relations between Zimbabwe and the West, there were two fundamental developments that occurred. Zimbabwe recalibrated its diplomatic

focus towards the East in a development that is known as the “Look East Policy” (Smith-Hohn 2010).

The standoff of Western capitals provided countries in the East with a window of investment opportunities without the usual competition from capitalist economies. The targeted sanctions against Zimbabwe, especially those imposed by the EU, were also undermined by the fact that the EU is of paramount importance to South Africa as a trade partner (Smith-Hohn 2010). Despite the arms embargo by the EU, the UK, Canada, New Zealand and Australia, the country has continued to access military equipment from China. In 2005, Zimbabwe received light arms, riot control gear, 100 military trucks and 18 jet fighter planes from China worth US\$240m (Brown & Sriram 2008). The EU sanctions against Zimbabwe admittedly succeeded in inconveniencing travel by government officials, thereby affecting the country’s participation in multilateral diplomacy. Blacklisting of government officials has the net effect of bringing them closer to each other through creating a group feeling which strengthens relations between states (Eriksson 2007). The targeted sanctions eroded salaries and pensions as big companies in Zimbabwe downscaled business and others closed down in a move by the government in solidarity with the regime change agenda. Local companies faced viability problems because sanctions blocked access to importation of equipment and spare parts. The result was that thousands of workers were offloaded into the streets. Basic commodities were also priced beyond the reach of many. Therefore, the sanctions were more harmful to the innocent citizens than the intended targets.

A closer examination of the Zimbabwe Democracy and Economic Recovery Act (ZIDERA) shows the punitive nature of the US sanctions regime against Zimbabwe. In essence, the economic sanctions contained in ZIDERA are designed in a manner aimed at masking their true heinous nature. In an endeavor to refine the effectiveness of sanctions through disguised means, there has been a shift towards the so-called targeted sanctions, which impose travel bans and freezing of foreign bank accounts of targeted individuals or entities. As a result, in Zimbabwe, today, trade sanctions have taken the form of denied access to foreign lines of credit, which ordinarily finance external trade. Furthermore, the market for the country’s exports is also shrinking, as export competitiveness crumbles under adverse perceptions. These undeclared sanctions which are sometimes packaged as ‘restrictive measures’ have harmed Zimbabwe’s economic activity. For instance, since the enactment of ZIDERA, trade sanctions, financial sanctions, particularly

involving trade finance, interrupt trade, and ultimately constrain the economy's foreign currency generating capacity, as well as economic activity in general.

## **6.5 Conclusion**

The chapter focused on the deployment of economic sanctions on Iraq, Cuba and Zimbabwe. In the process it traced the origins or factors that contributed or led to the imposition or adoption of economic sanctions in these three countries respectively. The Iraqi scenario saw the economic sanctions being imposed as a result of Iraq's invasion of Kuwait. The United Nations Security Council really wanted to curtail the Iraqi army's readiness for war as well as to compel Saddam Hussein to withdraw forces from Kuwait. This saw the UNSC coming up with resolutions to this effect. The Cuban case witnessed the US government imposing an embargo on Cuba in 1959 as a strategy to oust the Castro-led Communist revolutionary government. The economic sanctions evolved into a comprehensive blockade in the early 1960s. The Zimbabwean case is punctuated by the imposition of sanctions that came as a result of Zimbabwe's policy to grab its land back from its erstwhile colonial masters. This attracted hostility and hatred from the losers of the land, who in this case were mainly the colonial farmers of British and American origin. This led to the imposition of sanctions against Zimbabwe. The chapter highlighted the rationale behind the imposition of these economic sanctions on these respective countries as well as the nature of these sanctions in these countries.

Lastly, the far-reaching effects of these sanctions on Cuba, Iraq and Zimbabwe were also discussed. It was noted that these sanctions had economic and social impacts. The countries suffered from economic strangulation, where trade and general businesses were affected. The general economic performance of these nations was weakened. In addition, the social rights of the populace were also hampered; for instance, general access to many basic rights including medical care, food, security, potable water, housing and education was immensely hindered by these economic sanctions.

With regard to Zimbabwe, it was the SADC's engagement efforts that saw the birth of the inclusive government after the 2008 plebiscite failed to produce a winner and political violence erupted in the countdown to the presidential run-off (Raftopolous & Mlambo 2009:229). Prominent British scholar, Stephen Chan (2011, online) observes that the targeted sanctions against Zimbabwe have

not worked and has enjoined the main advocate for the targeted sanctions, Britain, to consider engagement as an option now. His prediction that the US and the whole of EU, currently faced with a serious recession, would need Zimbabwe for trade in 2011 resonates with Rennie Atterbury III's (1997:338) observation that sanctions also do harm to business in the sender states.

In view of the above examples, it is evident that comprehensive economic sanctions need to be revised in order to spare the innocent people who more often than not get caught up in the crossfire. However, as has been argued in this study, targeted or smart sanctions are not the solution because of the harm they bring to bear on innocent victims. The selected case of Zimbabwe presents poignant accounts of how targeted sanctions have caused untold suffering to be visited on the ordinary people, who ironically are the intended beneficiaries. The paper also illustrated how the targeted sanctions are evaded by the targeted individuals who remain entrenched in the corridors of power. Therefore, the sooner diplomatic engagement becomes the alternative policy instrument of the day, the more innocent lives are likely to be saved, and the better the prospects for international peace and stability. The observation by Hufbauer et al. (2007:139) that it is practically impossible to choreograph measures "with the accuracy of a cruise missile" therefore holds true with regard to targeted sanctions. In the cases of Cuba, Zimbabwe and Iraq, the sanctions failed their intended goals of removing the regime or changing the behaviour of the leadership in these countries, but led instead to innocent civilians suffering through the high cost of living and the death tolls, especially in Iraq. From the case studies of economic sanctions in Cuba, Iraq and Zimbabwe, it can be deduced that economic sanctions do raise many ethical issues, which will be the focus of the following chapter.

## CHAPTER SEVEN: AN ETHICAL CRITIQUE OF ECONOMIC SANCTIONS

### 7.1 Introduction

All things considered as indicated in the preceding discussion on economic sanctions, it can be deduced that economic sanctions raise lots of ethical questions from an array of ethical perspectives. The main ethical critique against economic sanctions that can be discerned from many of the ethical traditions which will be discussed in this chapter is that economic sanctions remain unethical in the sense that they inflict untold suffering upon the majority of the citizens of the target country who in most cases are usually innocent with regard to the policies that are espoused by their governments which later become target countries for economic sanctions. Upon a critical analysis it can be deduced that economic sanctions are anti-humanitarian. In the light of the examples that have been provided in this study, it can also be deduced that whether economic sanctions are comprehensive or smart, their end result has not yielded any policy change from the target country. Rather, the end result has been indiscriminate human suffering within the target country. The ethical critique of economic sanctions that is advocated in this study is therefore two pronged.

In the first section I will argue that economic sanctions remain unethical from the viewpoint of both Western and African ethical traditions. In the light of the scope of this section it is argued that if sanctions are ethically unjustifiable, this obviously raises the question of whether nations take into account ethical considerations when they impose sanctions on the target state. This question will be discussed in the light of the theory of sceptical ethical and political realism. When sanctions are imposed on the target state for the pursuit of the national interests of the sanctioning countries, such a practice discounts the interests of the citizens of the target state whom the supporters of economic sanctions purport to be helping. The pursuit of national interests in the imposition of economic sanctions against the target state becomes another convincing argument against the ethical justifiability of sanctions.

The third section will give an ethical critique of economic sanctions based on the problem of structural evil within organisations and international relations. The argument in this section is that sanctions are in the final analysis a manifestation of evil within the generality of our human existence. What makes economic sanctions a manifestation of evil can be discerned from the fact

that they create a situation of rapid deterioration of the general social and economic wellbeing of the whole populace of the target state. What also enables us see sanctions as part and parcel of the nature of evil is the inherent propensity to inflict suffering on the innocent while promoting prosperity among the supporters of the regime of the target state as well as interest groups of a minority of the affluent from the sender countries. As we have seen previously, there is no evidence that economic sanctions are successful in bringing about positive results in respect of foreign and domestic policy change in the target state. There is strong empirical evidence that economic sanctions have been very successful in creating rapid deterioration in the living standards in the target state in a way that defies any rationality. Finally, it will be argued in this section that sanctions are inherently evil because ethical goodness implies that we should be in a position to take into account the interests of others as if they are our own interests.

## **7.2 An Ethical Critique of Economic Sanctions**

Some scholars such as Joy Gordon have argued against sanctions on the basis that they target the innocent. Gordon's main argument is that economic sanctions are a deadly solution that defies any ethical justifiability. As he puts it:

In many regards, sanctions are the modern version of siege warfare: each involves the systematic deprivation of a whole city or nation of economic resources. Although in siege warfare this is accomplished by surrounding the city with an army, the same effect can be achieved by using international institutions and international pressure to prevent the sale or purchase of goods, as well as to stop migration (Gordon 1999:124).

The imagery of sanctions as analogous to a military siege of a city is strong and vivid enough to make them appear unethical. Gordon's critique of sanctions is based on the ethical theories of utilitarianism and Kant's deontological ethics. Here, his main argument is that sanctions violate the principle of discrimination which is central to just war theory. From the Kantian ethical perspective, Gordon maintains that

[s]anctions are inconsistent with the principle of discrimination from just war doctrine; sanctions reduce individuals to nothing more than means to an end by using the suffering of innocents as a means of persuasion, thereby violating the Kantian principle that human beings are 'ends in themselves'; and sanctions are unacceptable from a utilitarian perspective because their economic effectiveness necessarily entails considerable human damage, while their likelihood of achieving political objectives is low (Gordon 1999:124).

From the Kantian perspective, human beings are used as means for something else – forcing the target state to change its policies by imposing economic sanctions. Kant (1964) referred to our ability to treat people as ends in themselves as a “categorical imperative” – implying a duty which we owe to each other. A categorical imperative is a moral command in the sense that it is qualified by the use of the verb ‘ought’ (Solomon 1985:504). Kant formulated this categorical imperative as follows: “There is therefore but one categorical imperative, namely this: *Act only on that maxim whereby thou canst at the same time will that it should become a universal law*” [Kant’s italics] (Solomon 1985:504). A categorical principle is sometimes referred to by many scholars as an *a priori* principle in the sense that it remains relevant “independent of any particular circumstances”. Kant went on to provide a general categorical imperative as follows: “Now I say: man and generally any rational being exists as an end in himself, not merely as a means to be arbitrarily used by this or that will, but in all his actions whether they concern himself or other rational being beings, must be always regarded at the same time as an end” (Kant 1964, cited in Solomon 1985:508). Here it is eminently clear that economic sanctions for whatever reason are from the Kantian categorical imperative, and are a blatant violation of ethics. As we have seen in the previous discussion, economic sanctions are usually used to serve the national interests of the sender state(s) and not the national interest of the target state. Economic sanctions are imbued in barbarism that defies any ethical reasoning mainly for the reason that their punitive effects are non-discriminatory. Gordon expresses it well when he says that “sanctions are simply a device of cruelty garbed in self-righteousness” (Gordon 1999:128).

I should like to echo the point that is being made by Gordon above by saying that economic sanctions are the utmost expression of human cruelty of an abhorrent nature which in most cases is not found in the wild. It is common knowledge that the economic sanctions that were imposed on Iraq set in motion human suffering which had never been experienced during Saddam Hussein’s rule. In a similar way, the economic sanctions that have been imposed on Zimbabwe have been extremely cruel to ordinary Zimbabweans despite the usual media rhetoric that they are “smart sanctions that are solely aimed at correcting the Zimbabwean political elites”. In this regard, the so-called smart sanctions have been designed to inflict economic harm to ordinary Zimbabweans on the belief from the senders of those economic sanctions that the Zimbabweans will revolt against the ruling government. Some third world countries that have been adherents of nuclear weapons, such as Iran and North Korea, have been made targets of economic sanctions by the USA

and her allies. The most glaring hypocrisy of such actions is that the USA and her allies are known to be highly advanced in the manufacture of all sorts of nuclear and biological weapons, yet they are in the forefront in prohibiting other countries from developing these weapons. Economic sanctions are aimed at harming innocent people of the target country and it is for this reason that they cannot be ethically justified. Here again, I would like to quote Gordon who said that “to use Kantian language, [through the use of economic sanctions] human beings are reduced to nothing more than a means to an end, where that end is something less than the lives of other human beings” (Gordon 1999:129). Such a deduction implies that sanctions are ethically indefensible from a Kantian perspective. Gordon went on to argue:

With sanctions, the risks include malnutrition, lack of emergency medical care, lack of fuel, and deprivation of the necessities of survival, as well as the less visible harms of psychological trauma, lost education, lost job opportunities, the social disintegration. ... Sanctions are simply the imposition of suffering upon the innocent, against their will (Gordon 1999:130).

In Chapter Two as well as in Chapter VII of the United Nations Charter, there has been an overwhelming presumption that economic sanctions are usually imposed on the target state with the explicit aim of promoting the greater good of world peace and security. This was the predominant rationale behind the justification of economic sanctions, which are deemed to cause less human suffering compared to military action. This rationale is considered to be an echo of utilitarianism. The ethical theory of utilitarianism “is concerned with pleasure in general; that is, with one’s pleasure, the pleasure of other people involved, and even the pleasure of other people who are not directly involved”; and when deciding on the right action to take in any situation is to determine what would be the greatest good for the greatest number of people, this has become known by scholars as the ‘happiness calculus’. Making a pleasurable decision and ensuring the avoidance of pain “are the ends which the legislator has in view”. The procedure in making an ethical decision is basically to determine whether the action to be taken promotes the greatest happiness to the greatest number of people (Solomon 1985:514–515).

The rationale behind utilitarianism is often referred to as consequentialism. This implies that an action can be justified only on the grounds of the consequences it produces. As we have seen in the case studies that have been presented in this study, economic sanctions do the greatest injury to those very people of the target state which those economic sanctions purport to help. Here the reason is that the economic sanctions are intended to benefit the interest groups and not the

majority of the citizens of the target state. From a utilitarian perspective, economic sanctions cannot be justified. As Charles Radrick (2006:60–63) put it: “Economic sanctions have proven to be ineffective in the majority of cases, and generally inflict the greatest suffering on the people the sanctions seek to protect. ... Economic sanctions represent an application of unethical public policy.” Radrick went on to argue: “[B]y analysing sanctions from a consequentialism perspective, we find sanctions lacking an ethical quality. Consequentialism contends that an act is right or wrong depending on its actual consequences.” Since sanctions are usually imposed in the pursuit of national interests by the sender state(s), no ethical considerations are taken into account.

However, there are some scholars who argue that utilitarianism overlooks the issue of human rights, which is usually a central issue about economic sanctions. Robert McGee (2003:43) argues that “the problem with applying utilitarian ethics is that utilitarians ignore rights violations. All that matters to a utilitarian is whether the gains exceed the losses. That is one of the major problems with utilitarian ethics and it is one of the major strengths of rights-based ethics”. McGee went on to say:

A rights-based ethic takes the position that an action is bad if someone’s rights are violated, regardless of whether the good outweighs the bad. What is wrong *prima facie* does not become right just because some majority ultimately benefits. A major advantage of a rights-based ethic is that there is no need to calculate total gains and compare them with total losses. ... The only thing that needs to be determined is whether someone’s rights would be violated (McGee 2003:43).

Before one endorses the rights approach to sanctions as preferable to utilitarianism, I think one needs to unpack some of the philosophical underpinnings of the rights-based ethic. One of the most renowned philosophers of the rights-based ethic is Ayn Rand. According to Rand:

‘Rights’ are a moral concept – the concept that provides a logical transition from the principles guiding an individual’s actions to the principles guiding his relationship with others – the concept that preserves and protects individual morality in a social context – the link between the moral code of a man and the legal code of a society, between ethics and politics. *Individual rights are the means of subordinating society to moral law* [her italics] (Rand 1963:92).

In the light of the above observation, it is eminently clear that rights-based ethics subordinates society to the individual. Individual rights are thus postulated by Rand as the summation of moral law that should regulate the functioning of society. The only sphere in which we can talk of morality is solely in the realm of individual rights. Society as a whole is an abstract, but what is concrete is individuals who are bearers of rights. As she put it: “... that a right is the property of

an individual, that society as such has no rights, and that the only moral purpose of a government is the protection of individual rights” (Rand 1963:93).

Other scholars who are critics of rights-based ethics argue that the language of rights is based on the Western philosophy of atomic individualism which it is not possible to universalise within the global context of multiculturalism. The root of their argument is that rights-based ethics is based on liberal capitalism, whose modus operandi is based on an understanding that individuals are egoists. Some African scholars critiqued the UN *Universal Declaration of Human Rights* as a declaration of Western philosophical individualism (Zvobgo 1979:93). This Western philosophical individualism also does not have universal cultural application. Thus one finds the Organisation of African Unity (OAU) came up with its own Charter entitled *African Charter on Human and People’s Rights* of 1981 in which the focus is on the family and the community as the objects of these rights (Murove 2016:87). This was an attempt by African leaders to demonstrate that Western rights-based ethics is not relevant to all cultures. Obina Okere critiqued the Western rights-based ethics on the grounds that “[t]he African conception is not that of an isolated and abstract individual, but an integral member of a group animated by a spirit of solidarity” (Okere 1985:90). The Western and USA idea of justifying economic sanctions on the premise of a rights-based argument becomes an imposition of the USA and Western countries’ own values on other people. Economic sanctions are ultimately aimed at making sure that non-Western countries comply with the political and economic policies that are favoured by the USA and her NATO allies. In other words, all talk about respect for human rights is in the final analysis another way of promoting the national interests of the USA and her allies. In many instances when sanctions have been imposed on those who are considered by the USA and her allies as violators of human rights, the human rights situation has actually deteriorated.

From an African ethical perspective, economic sanctions are unethical from two perspectives, the first being that African ethics puts emphasis on the promotion of life of the community. The second presumption of African ethics is that human beings are beings by virtue of relationality. From an African ethical perspective, an action is deemed ethical when it promotes life. In this regard, as Munyaradzi Murove put it: “The *telos* of human existence is to maximise life in all its manifestations. ... In African traditional categories of thought, the perpetuation and preservation of life remains the main goal of human existence” (Murove 2016:165–166). In other words, an

authentic or humane existence should be one that promotes the perpetuation of life to such an extent that no life is endangered for whatever reason. For this reason, the idea that economic sanctions do decimate life indiscriminately makes them ethically indefensible. Economic sanctions are not aimed at promoting life; rather, the *telos* (ultimate aim) of their sender is to make life unbearable to the majority of the citizens of the target state. The rationale of economic sanctions has never been aimed at promoting the flourishing of life. Susan Allen and David Lektzian argued that economic sanctions are a hazard to public health because they usually give rise to a decrease in the target state's gross domestic product (GDP). This decrease in the GDP has a negative impact on health. Four causal factors that are identified by these two authors are exposure to risk, level of resources, allocation of resources, and efficiency of allocation. As these two authors put it, "...sanctions are only expected to directly affect the level and allocation of resources to health outcomes ... such as restriction on the availability of food that can lead to nutritional deficiencies" (Allen & Lektzian 2012:123–124). It is beyond doubt that economic sanctions do not promote the flourishing of life. Instead, they actually lead to a situation of unprecedented diminishing of life in the target state. The African emphasis on the preservation and perpetuation of life can be discerned from the way Africans greet each other. As Murove puts it:

Whenever African people greet each other they always inquire about the wellbeing of another person by asking whether life was going on well with them. Thus the usual [Shona] greeting – *Upenyu hwakadii?* (how is life?) is a common greeting whenever you meet someone. In Zulu they greet by saying *Injani impilo* (how is life?). The life of another person becomes a concern for everybody, hence everything is done to preserve and perpetuate life in existence (Murove 2016:164).

It is partly for this reason that sanctions are deemed unethical from an African perspective.

Another African ethical perspective which makes economic sanctions unethical arises from the fact that human beings and reality in general are conceived as related and interrelated with everybody else. When our human existence is understood as relationally constituted, it implies that we should see our wellbeing as indispensable to the wellbeing of others. Among the Nguni-speaking people of Southern Africa they have an adage which says *Umuntu ngumuntu ngabantu* – a person is a person because of other persons. In this regard, relatedness is what ultimately makes us human. Mike Boon described the principles of *Ubuntu* (as this adage is known) as follows, "The heritage of the philosophy that comes to us through our traditional African roots is *Ubuntu*: morality, humanness, compassion, care, understanding and compassion. It is one of sharing and

hospitality, of honesty and humility” (Boon 1998:31). In this regard, what it means to be a person is to belong to the community. Belonging is paramount to what it means to be human and to our humanness or *Ubuntu*. One of the ethical requirements enshrined in *Ubuntu* is to be inclusive in our relationships with other people, in such a way that one always enhances the wellbeing of others in whatever they do instead of pursuing one’s personal or national interests to the exclusion of the interests of others.

One finds that in applying the concept of *Ubuntu*, we treat other people with respect in such a way that we accord them the dignity that demonstrates that they are related to us, that the other people’s wellbeing is intertwined with our own. Nhlanhla Mkhize observes that “*Ubu-ntu* ... calls for a particular mode of being in the world. This mode of being requires each person to maintain social justice, to be empathetic to others, to be respectful to him/herself, and towards others and the cosmos at large ...” (Mkhize 2008:41). Thus, to be fully human or to have a sense of *Ubuntu*, requires mutual recognition of the humanity of others in such a way that we give others space or create space for them to maximise their own flourishing without being intrusive or paternalistic towards them. Barbara Nussbaum echoed the above insight when she said that in the ethic of *Ubuntu*, “[p]eople are distinctive beings, able to recognise and acknowledge one another through mutual encounter and cultural integration” (Nussbaum 2009:102). The implication of Nussbaum’s insight is that in *Ubuntu* there a strong existential presumption that mutual recognition is enabled by our encounter with each other in a way that affirms the reality of cultural integration. One can also say that *Ubuntu* is also based on inherent optimism in human goodness. Nelson Mandela stated it more succinctly and eloquently when he said, “I have always known that deep down in every human heart, there is mercy and generosity. No one is born hating another person because of the colour of his skin, or his background, or his religion” (Mandela 1994:542).

From the perspective of *Ubuntu*, it can be deduced that there is no way in which one can support economic sanctions with their propensity towards being destructive to all human life indiscriminately. What also makes economic sanctions inhumane is that in most instances, as we have seen previously, they are imposed on the target state with the aim of serving the national interests of the sender states. Other scholars such as Adeno Addis maintained that instead of our condemning economic sanctions as indefensible, these problems of economic sanctions and ethics can be resolved if we see economic sanctions as mainly about guarding against the erosion of

identity. He writes “[s]anctions serve an identitarian function – they often perform the role of giving shape to the nature and boundary of the sanctioning community” (Addis 2003:586). Here the presumption is that there is an internationally accepted standard behaviour in the international community. This shared ‘standard of behaviour’ provides the identity of the international community. He avers (2003:593–594): “Thus, when the Security Council authorises economic sanctions against a particular regime it often has dual goals. It attempts to pressure the regime to alter its policies while at the same time signalling what the boundaries of the community are. It does this by declaring who is an ‘outlaw’ and what actions and values are deemed inconsistent with the image and nature of the community”. Adeno goes on to argue:

Put simply, the point is that when the Council imposes economic sanctions it has two audiences. The first and most obvious, of course, is the regime of the target state, but the second, and just as important is the international community itself. The signal that is sent to the latter is what values and principles are centrally constitutive to that community and who and what are threats to it.

Addis’s identitarian instrumental justification of economic sanctions is problematic because, as stated previously, economic sanctions are not imposed by senders with the aim of protecting the identity of the international community or in defence of shared values among members of the international community. Rather, national interests and the interests of pressure groups play a dominant role in the imposition of sanctions against the target state. Sanctions that were imposed against Cuba, Iraq and Zimbabwe did not serve identitarian purposes but instead were imposed with the aim of promoting the interests of the USA and her NATO allies – not the identity of the whole international community. But Addis acknowledges that

[t]he big powers [permanent members of the UNSC] often pursue their agenda and interests outside the United Nations system ... And often those weak and vulnerable states are offered as the sacrifice for implicit and, at times, explicit deals and understandings reached among the major powers on many issues related or unrelated to the issue or the target country in question (Addis 2003:613).

There are many scholars who argue that economic sanctions should never be used as a tool for the promotion of foreign policy. Their main argument against economic sanctions is that they have ghastly unintended consequences on the target that are not usually considered by the senders. As we have seen previously, some have critiqued economic sanctions on the grounds that they are used by powerful countries to impose their national interests upon the weakest members of the international community. As stated previously, the main or central hypothesis of this study is that since economic sanctions are imposed by sender state(s) as a way of pursuing their own national

interests with regard to the target state, in the following section I intend to argue that economic sanctions, regardless of the justification that is sometimes proffered by supporters of economic sanctions, remain entangled with the problems of evil and human nature.

### **7.3 Economic Sanctions and Human Evil**

In the light of the preceding discussion, it can be deduced that sanctions are related to the problem of evil in human existence. It has been a common practice among philosophers, theologians and ethicists to discuss evil in metaphysical categories of thought. For example, the question that has occupied these thinkers a great deal when it comes to the problem of evil in human existence is: if God was good and perfect, why is there evil in the world? On a critical analysis, this way of thinking absolves human beings as responsible agents for the evil that occurs in the world by their hands. Some scholars have maintained that evil has been described in a variety of metaphors among scholars from different disciplines. Amelie Rorty (2001) argues that “[t]he varieties of evil are semantically marked. The richness of the vocabulary – ‘abominations’, ‘disobedience’, ‘vice’, ‘malevolence’, ‘sin’, ‘wanton cruelty’, ‘immorality’, ‘corruption’, ‘criminality’, ‘sociopathology’ – indicates distinctive conceptual domains. Each has its primary place in a specific outlook, with a particular set of preoccupations and questions, a theory of agency and responsibility” (Rorty 2001: xii). Here it appears that the idea of evil has permeated each discipline in the humanities and has been expressed in different metaphors. While it is outside the scope of this study to discuss all these metaphors of evil as entrenched in different disciplines, in the light of the main thrust of this study, I shall discuss some of the metaphors that have been used by critics of economic sanctions with specific reference to evil as it pertains to economic sanctions.

Other Christian theologians such as Edmund Hill observe that

Evil as a noun is much wider term than sin. All sorts of things are evils that are certainly not sins: death, suffering, famines, droughts, floods, earthquakes, disasters of all sorts. Evil, in fact, is the most readily available noun to correspond to the adjective ‘bad’, though it has much stronger and more vivid overtones. But everything which is bad, from bad weather to bad breath and bad grammar and bad government can be called, if you forget those overtones, an evil, a very little evil, perhaps, but still an evil (Hill 1984:54).

In other words, ‘evil’ implies all the negative things that happen in human existence, while ‘sin’ refers to the existential state of being, thus implying being static. Hill goes on to say that “[e]vil is classified in under two headings: (a) the evils people suffer, and (b) the evils people do; one form

of doing in this moral context is also failing to do, so you can do evil simply by failing to do good. It is the second kind of evil we refer to as ‘sin’” (Hill 1984:54. Hill continues: “Sin, on the other hand, or moral evil or the evil we do or the evil we are to blame for, all this is evil pure and simple. It cannot be reduced to being either part of the natural order or of the moral order. On the contrary, it is moral disorder, and hence a disorder of the human intelligent nature, to which it belongs by nature to perceive and respect the moral order” (Hill 1984:55). Hill has thus conflated sin with evil in the sense that evil manifests itself in our actions which are not in harmony with the moral order. To sin is thus defined by Hill as a matter of turning away from God “who is our ultimate end, at whom the genuine human life has to be aimed. So to sin, essentially, is to miss God, but to miss him on purpose, and thus to *turn away from God*”. It is for this reason that Hill goes on to say that “sin or moral evil, is absolute evil or evil pure and simple ...” (Hill 1983:57). However, for other scholars, human beings are evil by their very nature and this evil nature is an explanatory reason behind what they do.

From the outset of this study it was argued that the rationale behind the imposition of economic sanctions is based on the theory of political realism. The imposition of economic sanctions on the target state is done in a way that punishes the population of the target state indiscriminately – thus forcing the target state to exist in a state of economic and political turmoil to the devastation of many innocent lives. The idea that human beings are evil, which partly relates to Thomas Hobbes’s theory of human nature, is well articulated in his book, *Leviathan*. The main reason that there are governments and rulers is to avert a universal war. Human beings have been created in such a way that when they are left on their own, their existence will be unbearable. The reason for this is that each person is solely self-interested. As Hobbes put it, “[f]or there is not ordinarily a greater sign of the equal distribution of anything, than that every man is contented with his share. *From equality proceeds diffidence*. From this equality of ability, arise the equality of hope in the attaining of our ends. Therefore, if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies; and in the way to their end, which is principally their own conservation, and sometimes their delectation only, endeavour to destroy, or subdue one another” [his italics] (Hobbes 1967:98–99). For Hobbes, the natural predisposition of human beings lies in pursuing their self-interests, and when they fail to attain that which they deem to be to their self-interest, they resort to war or animosity. The existence of government is something that was necessitated by the reality of evil human nature, and without a civil authority, the whole of human existence

will ultimately be enmeshed in a universal war. He avers: “*Out of civil states, there is always war of every one against everyone.* Hereby it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war is of every man, against every man” [his italics] (Hobbes 1967:100).

In this regard, human existence is based on mutual distrust of each other’s motives. In this Hobbesian society, everybody aims to exterminate the existence of everybody else. F. C. Hood caricatured this Hobbesian society as follows: “No man need be held back from the struggle for existence by the thought that he has no chance; given a favourable opportunity, the weakest can kill the strongest. Equality of hope leads to competition and aggression. This gives rise to diffidence, or distrust of others” (Hood 1964:75). Competition and/or the ability to overtake the other competitor guarantees one’s survival. Hood went on to say that this Hobbesian society is chiefly characterised by war and strife. Thus “[f]rom diffidence proceeds defensive war. Though man’s chief natural end is conservation, it is sometimes ‘delectation duty’. There are men who take ‘pleasure in contemplating their own power in the acts of conquest’. Hence men who would be glad to be at ease within modest bounds can hope to preserve themselves only if they increase their power; anticipation that is getting in the first blow is the best means of defence” (Hood 1967:75–76). In other words, one should never trust the intentions of another human being. One can only ensure one’s own survival by making sure that one is prepared to inflict a pre-emptive strike on the suspected enemies. The question that arises in this Hobbesian anarchic society is if human beings cannot trust each other when they inhabit the same society, what trust can there be when they do not belong to the same society?

Of most interest in Hobbes’s theory of human nature is his postulation of the idea that foreign relations are based on amorality – meaning that states do not relate to each other on the basis of moral considerations; rather, their relations are purely based on the pursuit of that which each believes to be to their country’s national interest. When human beings are left on their own without an all-controlling power or authority, their existence will be enmeshed into a universal war where everybody sees him- or herself as an enemy of everybody else. Foreign relations were not necessarily contracted in a moral manner because of the existence of mistrust that exists among nations towards each other’s intentions (Hobbes 1967:65; Morgenthau 1948:3). In other words, from this sceptical realist perspective, the international political scene was based on anarchy and

mutual distrust of each country's intentions in its foreign policy. While states are sometimes described as enjoying sovereignty with regard to their domestic policies, this sovereignty is mainly enjoyed by the most powerful countries as compared to those states that are weak.

From a political realist perspective, foreign relations are mainly based on the exercise of power or the struggle to attain world economic and political dominance over other nations. The more economically powerful a country is, the greater its chances of dominating the world economic and political scene. While there is a global commitment to respecting each country's sovereignty without interfering in each other's domestic affairs, this commitment to sovereignty is undermined when a sovereign state is subjected to economic sanctions in such a way that that country is subjected to the reality that its sovereignty is relative to the wishes of those countries that are economically and militarily powerful. This practice is regarded by other scholars as another form of imperialism, just as the 20th century "cry for a 'Greater Britain' and a 'Greater Germany' is seen on closer analysis to be an empty formula concealing a wide spectrum of imperialist motivations" (Mommsen 1981:73). In our contemporary era, world imperialism has come in the form of the United States of America imposing economic and other forms of sanctions against those countries that are deemed to be hostile to American interests in their foreign policies. For example, recently Donald Trump's election manifesto was based on the promise that his foreign policy will be based on what he called 'America First'. In other words, under the Presidency of Trump, the USA will act or cooperate only with those countries that it deems to be promoting American national interests in their foreign policies. This pursuit of national interests in foreign policies undermines the sovereignty of target states when they are sanctioned on the basis of the pursuit of American national interests.

From a realist perspective, morality or ethics is relevant only in so far as it promotes the wellbeing of the nation, thus implying that this does not apply when entering into relations with foreign nations. Mary Maxwell argued that the idea of nationalism is an offshoot of the thinking behind nationalism. She avers that "[t]he position of nationalism as a 'negative argument' concerning international morality obviously has to do with the fact that the protection of 'one's own people' can mean utterly callous treatment of anyone else" (Maxwell 1990:22). When Donald Trump talked about 'America First' as his priority in foreign policy, he was undoubtedly arousing the spirit of American nationalism. This also implies that America will not bring into account any

moral considerations in its relations with other nations. In this regard, the presumption is that ethics makes sense or is intelligible only within a group or among people who share the same existential memory as those who exist in distant lands. It is for this reason that sanctions are not usually imposed on the target state by powerful countries on the basis of the national interests of these sender countries without a concern for the wellbeing of those who will suffer the negative effects of those economic sanctions. To go beyond national interest thinking, other scholars have argued that national interest must be made relative in order to embrace the national interests of all those who will be affected by our actions even though they stay in distant lands. As Peter Singer puts it: “In accepting that ethical judgements must be made from a universal point of view, I am accepting that my own interests cannot, simply because they are my interests, count more than the interests of anyone else. Thus my every natural concern that my own interests be looked after must, when I think ethically, be extended to the interests of others” (Singer 1999:12–13). In the light of Singer’s observation, it can be deduced that political realism does not fulfil the all-embracing requirement of what it means to be ethical. National interest should be seen in the light of the national interests of others. As we have seen previously in the case of Cuba, Iraq and Zimbabwe, economic sanctions that were imposed on these sovereign countries were imposed with the aim of inflicting harm on the citizens of those respective countries. Economic sanctions are also an exercise of power.

We have seen in the preceding discussions that the imposition of economic sanctions is always made on economically weak members of the international community. The ability to impose economic sanctions on another state is in itself the utmost expression of exercise of economic power. By virtue of its world economic hegemony, the USA has always imposed economic sanctions for reasons that are usually based on its national interests. Michael Mann observes that in the exercise of its global imperial power, “[t]he US would effect regime change and then leave with a more friendly regime in place. ... For the moment only two regions were in its sights, the central core of the Muslim world, in the Middle East plus Western Asia, and Northeast Asia. This was where this temporary territorial imperialism focused, especially at first on the ‘axis of evil’, ‘rogue states’ North Korea, Iraq, and Iran, though with Syria sometimes also informally added” (Mann 2004:56). It is important to note that most of those countries that were labelled by the USA as ‘rogue states’ or an ‘axis of evil’ are actually target states of the USA and her European allies’

economic sanctions. Economic sanctions are used as an instrument for promoting American foreign policy.

Along with other scholars, Addis (2003:578–586) argues through his theory of sanctions as based on identitarian justification that the “virtuous self” of the sender of sanctions does this in order to dissociate itself from the target state which is deemed the “evil other”. In this process, as he expresses it: “The target regimes rarely change their policies and practices as a result of economic sanctions. And in the name of minimising [their] participation with evil, the sanctioning community creates an even greater evil and consequently presents an image of itself that is contrary to what it seeks to project”. Addis goes on to say that sanctions are usually imposed on a target state with the specific aim of promoting behaviour modification in the target state. The assumption of the identitarian justification of economic sanctions relies on the presumption that the relations of states are based on some shared purpose for their association. Terry Nardin observes: “In purposive association the authority of the rules governing the relations among the associates is derived from the shared purposes that the association exists to promote. It is the pursuit of these shared purposes that provides the rationale for the rules through which the associates seek to promote the common end” (Nardin 1983:10). Nardin’s assumption is that those who enter into an association, for example, the United Nations or European Union, pledge themselves to some shared purpose. It is these shared purposes that provide the members with a common identity. Within that way of reasoning, we can say that members of the United Nations impose economic sanctions because the target state will have behaved in a way that does not show the prior existence of shared purposes with the membership of the association at large. But strangely enough, as we have seen in the previous example about sanctions against Iraq, the issue of behaviour modification was not the objective of those sanctions because economic sanctions were maintained even though Iraq had pulled out of Kuwait.

Addis goes on to say that sometimes economic sanctions are used for retribution purposes or for settling old grudges against the target state. What economic sanctions have achieved more efficiently is not behaviour modification of the target state, but destruction of the general wellbeing of the innocent and weak members of the target state. Subjecting the poor and ordinary citizens to life-devastating conditions of economic sanctions degenerates into a practice of evil taken to extremes. In the light of these summarised observations, Addis aptly deduces that “evidence shows

that economic sanctions do not often achieve the objectives for which they are adopted. Even when they do achieve the objective, the cost in human life and infrastructural damage in the target state is intolerably high. It is not just the economic cost that is intolerable, but also the moral cost of using innocent individuals as a means to an end” (Addis 2003:586). Addis’s critique of economic sanctions does not leave any grain of doubt in the mind of any conscientious person that it is an evil system that is aimed at inflicting immense suffering on the innocent citizens of a target country. What also makes economic sanctions intrinsically evil is that they inflict suffering among the innocent while failing to achieve their stated objectives in the target country.

Another aspect in the imposition of economic sanctions which has been observed by other scholars such as Charles Radrick (2006:61–63) is that economic sanctions are usually selectively applied. For example, Radrick observes that the USA does not impose economic sanctions against certain rogue states “due to their economic and/or political importance”. Moreover, economic sanctions have been critiqued by many scholars on the basis of their ineffectiveness, yet the sender countries have continued to use them. In most cases sanctions are inflicted on “small countries with less diversification and global integration” and those that are “more vulnerable to sanctions”. Radrick (2006) sums up his arguments against economic sanctions by saying that “[e]conomic sanctions by the United States are working [in Myanmar], working to destroy a country in order to save it. It is time to reconsider this ineffective, inhumane and unethical form of foreign policy”. It is important to take note of Radrick’s final remark about economic sanctions as an ‘inhumane and unethical form of foreign policy’ as implying that economic sanctions are based on a foreign policy that dehumanises the peoples of the target state. An inhumane policy implies advocacy of evil in one’s relations with other nations. During the days of apartheid in South Africa, the apartheid government’s political policies were described as inhumane because of their diabolical nature whereby the majority of the South African non-white citizens were treated as inferior human beings. It is the inhumane treatment of people within the target state as a result of economic sanctions which makes sanctions an evil foreign policy.

Another analysis of economic sanctions that makes them a vehicle of evil was provided by Joy Gordon (1999:124–128), who described them as analogous to “the siege warfare” whereby “each involves the systematic deprivation of a whole city or nation of economic resources”. In a situation of siege warfare, the exercise “is accomplished by surrounding the city with an army”; and through

economic sanctions “the same effect can be achieved by using international institutions and international pressure to prevent the sale or purchase of goods, as well as to stop migration”. The metaphor of economic sanctions as analogous to siege warfare implies indiscriminate killing of the inhabitants of the country or city under siege. As Gordon put it, “the unit under embargo or siege is a mixed population rather than a military installation, or is entirely civilian. In both cases, the effect is the same: the disruption or strangulation of the economy as a whole”. The metaphor of economic sanctions as similar to siege warfare vividly demonstrates that economic sanctions cannot be differentiated from evil. The practice of imposing economic sanctions is the evil which human beings inflict on other human beings. The aim of a siege is to cause paralysis or strangulation of the victim in such a way that the victim is left without any alternatives except to accept his or her fate under those deplorably imposed conditions. The most badly affected population of the target state are usually those who are extremely vulnerable members of society. As Gordon put it “... the direct consequence of siege is that harm is done to those who are least able to defend themselves, who present the least military threat, who have the least input into policy or military decisions, and who are the most vulnerable”. In the light of Gordon’s analysis of the consequences of economic sanctions, there is no room for any rational justification for such a devious foreign policy system that is designed to harm the most vulnerable and innocent members of the target state.

With economic sanctions we are confronted with the reality of evil whereby the impoverishment and murder of the innocent is rationalised in a systematic manner. Thus policy makers of the senders of sanctions construct foreign policies basing them on those rationalisations that are meant to perpetuate evil through economic sanctions against target countries. It is eminently clear that economic sanctions belong to the genre of evil in human existence. Many authors in the Western world have reflected about evil and the incomprehensible suffering it brings into human existence. In his book, *The Brothers Karamazov*, Fyodor Dostoevsky has a character, Ivan Karamazov, who says, “If the suffering of children is necessary to pay for the truth, then I protest that truth is not worth such a price ...” (Dostoevsky 1880, cited in Solomon 1985:281–284). Dostoevsky wove his novel around the motif of human cruelty inflicted on the innocent as the main thrust of the novel. The problem of human evil which Dostoevsky wrestled with in his novel *The Brothers Karamazov* is extremely relevant today in the light of the impact of economic sanctions on the target states, as we have demonstrated in the preceding chapters. However, the inflicting of evil upon the weak

members of the international community is another way whereby the powerful exert their power to gain world dominance. This is usually known as political realism in international relations. For Hans Morgenthau, politics was about the struggle for power as a means towards the realisation of national interests. In this struggle for power or dominance, morality is not taken into consideration at all (Kung 1997:32–39).

Meanwhile, many scholars who are ardent critics of economic sanctions are currently arguing that other modes of promoting peace and security in the world which do not involve the use of economic sanctions should be explored so as to do away with the reality of evil that has always dovetailed economic sanctions. Here, what is needed is to find an ethical paradigm that can help us to go beyond the use of sanctions as punishment against a sovereign state. From whatever ethical angle one looks at economic sanctions, they remain an unethical system for influencing foreign policy against the target state. International morality has to go beyond the theory of political and ethical realism. In this regard, real ethics or a genuine ethical outlook has to be as inclusive as possible. In this regard we need to see our humanity as inseparable from the humanity of others. In a letter to Sigmund Freud, Albert Einstein, an outstanding, world-renowned physicist, questioned the violence that was related to nationalism or political realism and its contribution to global conflicts. What he partly saw as a contributory factor to violence in the generality of human existence was that:

[t]he craving for power which characterizes the governing class in every nation is hostile to any limitation of the national sovereignty ... I have especially in mind that small but determined group, active in every nation, composed of individuals who, indifferent to social considerations and restraints, regard warfare, the manufacture and sale of arms, simply as an occasion to advance their personal interests and enlarge their personal authority.

In this regard, Einstein had undoubtedly expressed the reason for war and economic sanctions in human existence.

## **7.4 Conclusion**

This chapter was mainly about an ethical critique of economic sanctions in which the main argument in this critique is that sanctions violate the principle of discrimination which is central to just war theory. From the Kantian ethical perspective, people should be treated as ends in themselves. Sanctions reduce individuals to nothing more than means to an end by using the

suffering of innocents as a means of coercion against the target state, thereby violating the Kantian principle that human beings are 'ends in themselves'. Kant postulated that our human actions are ethical when they can be universalised. What this implies is that what we do to other people can be ethically condoned only when we accept the same action to be done to our own humanity. Economic sanctions fail to meet this Kantian ethical dictum, especially when one takes into account the fact that the sender(s) of economic sanctions do so in pursuit of their national interests to the detriment of the target state.

As can be seen, another ethical theory which is at odds with economic sanctions is John Stuart Mill's theory of utilitarianism. This ethical theory says that an act can be ethical only when it promotes the greatest good for the greatest number of people. Economic sanctions are incommensurable with the ethical theory of utilitarianism because the imposition on a target state has an indiscriminate impact that has always resulted in loss of life to the majority of citizens of the target state. From a utilitarian perspective, an action is deemed to have promoted the greatest good for the greatest number of people by analysing the resultant consequences of the action. Since the consequences of economic sanctions are indiscriminately devastating to the majority of the citizens of the target state, the consequences of economic sanctions outweigh the good because there is no empirical evidence that proves that economic sanctions lead to the promotion of the greatest good within the target state.

From an African ethical tradition, it was argued that economic sanctions dehumanise the majority of the innocent citizens of the target state. There were two perspectives from African ethics which render economic sanctions unethical. First, since African ethics puts emphasis on the promotion of life of the community, economic sanctions are unethical because they are destructive to the general communal wellbeing of the communities of the target state. The second presumption of African ethics which makes economic sanctions unethical is the fact that human beings are beings by virtue of relationality, whereby to be a real person is to promote life of the community. In other words, a humane existence should be that which promotes the perpetuation of life to such an extent that no life is endangered for whatever reason. For this reason, the idea that economic sanctions decimate lives and livelihoods indiscriminately makes them ethically indefensible. Economic sanctions are not aimed at promoting life; rather, the *telos* of their sender(s) is to make life unbearable to the majority of the citizens of the target state.

The last section of this chapter argued that economic sanctions are related to the problem of evil in human existence. My first argument on the connection between economic sanctions and evil came in the form of the rationale behind sceptical realism which asserts that the relations among states are not guided by moral or ethical considerations. Rather, they are based on the pursuit of national interests of the sender states. After investigating the works of most of the scholars who have been critical towards economic sanctions, their criticisms on sanctions converged on the idea that such a promotion of a foreign policy remains inhumane and evil because of the resultant devastating effects on the majority of the innocent citizens of the target state. It is for this reason that it was argued that economic sanctions belong to the narrative of the reality of evil in human existence, and economic sanctions were part of that narrative. The following chapter will thus serve as a general conclusion to the study and will also provide some constructive recommendations.

## **CHAPTER EIGHT: GENERAL CONCLUSION AND RECOMMENDATIONS**

### **8.1 Introduction**

This study was mainly an investigation into the ethical dilemma in respect of the imposition of economic sanctions as a tool for foreign policy in international relations. While the topic of economic sanctions is a wide and controversial area which many scholars have investigated from various perspectives, in this study my focus was mainly on whether economic sanctions can be defended ethically as a tool of behaviour modification against the target state. My main aim in this study was to investigate whether economic sanctions are ethically justifiable as a foreign policy tool that can be used by the international community or a group of States with the aim of promoting behaviour modification in the target state. For this reason, the thrust of the study was to find out whether economic sanctions have achieved what they have been designed to achieve within the UN Charter, Chapter VII, Article 41. Put succinctly, the above aim was the main focus of all the chapters in this study. If economic sanctions have failed to effect behaviour modification in the target state, the rationale which is appealed to by senders obviously remains unintelligible.

While it has been argued throughout the thesis that economic sanctions are ethically indefensible, this claim has been authenticated by the central argument of the thesis that the main difficulty that makes economic sanctions ethically indefensible emanates from the fact that senders of economic sanctions are mainly motivated by national interest at the expense of the vulnerable and innocent citizens of the target state. The reasons that are given by sender State(s) are usually aimed at influencing foreign and domestic policy of the target state in a way that advances the national interests of the sender State(s). The examples of the countries (Cuba, Iraq and Zimbabwe) provided empirical evidence that economic sanctions are imposed by sender State(s) with the aim of promoting the national interests of the sender State(s) at the expense of the target State(s). Economic sanctions provide an opportunity whereby those countries that are economically powerful seek to modify the foreign policy of a target state to comply with the wishes of the powerful State(s). Apart from this introduction, this chapter comprises six sections which will serve as summaries of each chapter. After providing the scope of the study, which served as an introduction to the whole thesis, in the second chapter I went on to discuss succinctly the rationale or the common conceptual framework that is used by scholars in their analysis of economic sanctions.

## SECTION A: CONCLUSION

### 8.2 The Rationale behind Economic Sanctions

Chapter 2 was mainly concerned with the dominant rationale behind the conceptualisation of economic sanctions and scholars who have systematically studied the rationale used in the understanding of economic sanctions. The first rationale behind economic sanctions that was discussed was that of the game theoretical approach. Scholars who are the proponents of this conceptualisation of economic sanctions maintain that economic sanctions and their efficacy on the target state can be understood better when economic sanctions are subjected to the logical presumptions of game theory in which the outcome of two parties to economic sanctions presupposes that in the final analysis there will be a winner and a loser. Proponents of the game theoretical approach to economic sanctions argue that such an approach is “a realistic theory of economic sanctions” which they regard as “a game issue linkage involving two or more issues” where “players many not know each other’s preferences for the outcome of the game” (Lacy & Niou 2004:25). The argument which was made against this game theoretical approach to economic sanctions was that it was mechanistic in the sense that its main aim was to come up with predictable outcomes. The fact that economic sanctions have not always succeeded in bringing about the pre-anticipated outcomes renders the game theoretical approach to economic sanctions futile and redundant as an authentic tool for the rationale behind the practice of imposing economic sanctions as a tool for foreign policy.

The traditional understanding of sanctions has been predominantly based on the idea that the intention of economic sanctions is to bring about policy change in the target state by imposing harmful economic sanctions on the target state. William Kaempfer and Anton Lowenberg described this view as “the instrumental theory” of economic sanctions (Kaempfer & Lowenberg 2017:786). The modern understanding of economic sanctions as it evolved from the League of Nations up to the formation of the UN and the promulgation of its Charter presumed economic sanctions be an “alternative to war, a ‘peaceful’ instrument of international diplomacy that could effectively prevent military aggression” (Gordon 1999:123). In other words, economic sanctions were presumed by its advocates as a foreign policy to be the most effective way of ensuring that there is no threat to peace and security as a result of war. The instrumental theory of economic sanctions was also based on the presumption that when citizens of the target state are subjected to

excruciating economic hardships as some form of international quest for policy or behaviour modification of the target state, the citizens of the target state will end up revolting against their own government or ultimately overthrowing it by violent means. The other presumption behind the instrumental theory of economic sanctions is based on the theory of political realism, which asserts that sanctions can be a vital foreign policy that can be used by the sender state to pursue its national interests in the target state.

Another rationale that was identified behind the imposition of economic sanctions comes from the belief that they help errant States to adhere to international law within their sovereign territories. The predominant reasoning given for the deployment of economic sanctions against the target state is usually presented as a mechanism for the protection of human rights in the target state. Both comprehensive and smart sanctions are rationalised on the basis that it is the only way of protecting human rights against the abuses of the citizens within the target state. The idea of human rights is presumed to be pivotal to international law. Regardless of cultural and historical differences, all countries of the world are presumed to support the idea of human rights.

Lastly, it was observed that the rationale behind the imposition of economic sanctions which is pivotal to this study is that economic sanctions are imposed in a way that demonstrates some prior commitment to double standards in pursuit of national interests of the powerful countries. Some countries have violated human rights with impunity, without having economic sanctions imposed on them. Here, what comes to mind is Saudi Arabia and Israel, to mention only two. When sanctions are imposed on the target country on the basis of national interest, they serve the selfish purposes of the sender. For example, the reason USA sanctions against Cuba were studied is that in most cases they were imposed on the target state for self-interested motives. The pursuit of national interest through sanctions is not done in a way that is consistent. Consider, for example, punitive measures against Fidel Castro, who was pro-socialist economic policies, as opposed to those against the Batista regime, which was pro-capitalist. I have also shown that some countries such as China have provided economic support to some of the countries that are on economic sanctions.

### **8.3 An Historical Overview of Economic Sanctions and the United Nations**

Regardless, in all the issues discussed in this chapter, the main aim was to explore an overview on the evolution of the idea of sanctions. As previously discussed in the chapter, the UN imposed sanctions under Chapter VII of UN Charter when applying punitive measures against Rhodesia and South Africa. The sanctions imposed were targeted at changing the behaviour of the targets, and these sanctions caused significant damage to the targeted States. In the case of Cuba the sanctions were imposed with the intention of weakening Cuba and in the process safeguarding the national interests of the United States and its Western allies. It is scarcely surprising that the US and its allies took these punitive measures against Cuba considering that the latter was a bastion of communist expansionism in the Western hemisphere. On the other hand, the collective economic sanctions are causing harm, whether directly or indirectly, to innocent civilians in Cuba. As can be seen, the rationale behind the imposition of sanctions includes coercive, punitive purposes, and this will also affect human beings as a whole, since economic sanctions have a negative impact on all civilians. The UN sanctions in the context of non-proliferation, counter-terrorism, protection of civilians, democratisation, and the conflict resolution mechanism was ethical and based on law; but in terms of application it became unethical, since there were five super powers which also have direct input into the passing of UN Security Council Resolutions.

Economic sanctions have over the last three decades been used more than ever before, even though the evidence regarding ineffectiveness is quite overwhelming in many cases, with the possible exception being when they were used against apartheid South Africa, as some authors intimate. This begs the question why politicians still persist with them. The consensus of analysts is that, in tune with the remark made by former US Secretary of Defence, James R. Schlesinger, sanctions appeal to America because they seem to be a substitute for stiffer measures that may be required. In short, they are a way of making ourselves feel that we are doing something substantial about a serious problem without really doing anything at all (Bartlett 1985). The weapon of economic sanctions would appear to be generally undesirable for those holding to the Biblical worldview, except possibly in the case of a war between two nations. Sanctions tend to alienate parties and make conflict resolution more difficult to achieve.

Furthermore, research has shown that sanctions leave the real targets, the political manipulators and despots, largely unscathed. Also, no self-respecting government has been prepared to lose

standing by succumbing to such measures. If anything, as has also been noticed, alternative trading partners would be sought and found, in most cases making the subjected nation stronger over time. It should be no surprise that sanctions, however well intended, lead to unexpected and unwanted results. In order to progress relationally in this world, be it at a personal or at any public level, there must be relationship building through dialogue, and through willingness to stand beside the other person or nation. The effectiveness of sanctions is questionable. It is clear that the more harm sanctions inflict on their target, the more likely they are to influence the target's behaviour. The human costs of such sanctions, however, are often unacceptable and make international support unlikely. Moreover, sanctions are likely to have greater effect on their target if the target government is faced with domestic opposition; otherwise, sanctions may simply encourage greater political cohesion around the targeted leadership. Conflict often arises as a result of one party's feeling that they lack political, economic, or security resources. Sanctions, by definition, intend to further weaken the target, increasing their anxiety, and escalating a conflict. The next section will discuss the following issues: an exploration of UN application of economic sanctions during the Cold War; an analogue of the Cold War ideologies; the dynamics surrounding the application of economic sanctions during the Cold War; an evaluation of the effectiveness of application of UN economic sanctions in the Cold War environment; and post-Cold War trends and the use of sanctions.

#### **8.4 The United Nations' Application of Economic Sanctions during the Cold War**

Economic sanctions are a tool of a state's foreign policy that have been used frequently for the last 20 years since the fall of communism and championed as the humane alternative to war. Despite their prevalent use, they have conclusively failed in their stated purpose. Sanctions almost never succeed in stopping or changing the unethical behaviour of target States, particularly when enacted over long periods of time or through multilateral actions. Sanctions are not cost-free from an ethical perspective. Comprehensive sanctions especially cause great pain and suffering to the innocent and weak within the sanctioned state's population, as seen with the humanitarian disaster that was Iraq. Smart sanctions have mitigated the worst impacts on civilians but still carry costs that may be difficult to justify when weighed against their comparatively miserable efficacy. The only way economic sanctions make sense is if we view the power of sanctions as symbols in a constructivist

light rather than their bare political form. Then, arguably, there may be a place for sanctions as a means to shape international ethical norms for the better.

The chapter basically presented an exploration of the United Nations' application of economic sanctions during the Cold War where it highlighted issues such as the UN maintaining uneasy peace, the analogue of the Cold War ideologies, and dynamics surrounding the application of economic sanctions. In these scenarios, it was noted that there was reluctance in the use of sanctions during the Cold War era as the countries would circumvent or bypass the sanctions and continue with their trade. This was an upshot of the diverse and distinct ideologies (communism and liberalism) that characterised the power relations during this particular time. In highlighting the dynamics surrounding the imposition and usage of sanctions, the chapter categorically presented that economic sanctions were increasingly applied during the beginning of the 20th century as some of these economic sanctions were enshrined in the United Nations Charter system in Chapter IV. The chapter presented an evaluation of the effectiveness of the application of the United Nations sanctions in the Cold War environment where it noted that sanctions have failed as an instrument to change behaviour and are not free of ethical costs as they have an impact on innocent civilians. Lastly, the chapter outlined the post-Cold War trends and the use of economic sanctions, where it traced the nature and severity of sanctions that were imposed by the UN. It noted that sanctions that were imposed during the 1990s were pre-eminently comprehensive embargoes which had little effect in changing the state policies and caused immense suffering on the populations of the respective countries that would have received these sanctions.

### **8.5 The United Nations' Application of Economic Sanctions during the Post-Cold War Era**

The chapter gave a run-down of the issues underlying the dimensions and the rationale of economic sanctions in the post-Cold War era. It also looked at the concepts of smart and comprehensive sanctions and analysed their attributes and facets. Then it moved on to analyse the usage of the smart sanctions by the United Nations across the world, where it unpacked the modalities associated with the UN sanctions imposition system, and successes and failures by the UN in realising their intended objectives. The supporting clauses of the UN Charter that paved the way for sanctions to be imposed were analysed thoroughly. The problems militating against the implementation of smart sanctions were also delved into. In addition, the reasons behind the adoption and imposition of smart sanctions were looked at in detail, in which case, factors such as

deterrence, compulsion, and coercion as well as the symbolic facet of economic sanctions were highlighted. Lastly, the chapter captured the scenarios of the usage of economic sanctions in the new dispensation where sanctions are used as a measure for facilitating the adoption of international humanitarian law. Economic sanctions can also serve as a measure for combating terrorism as well as serving as an ethical measure for conflict prevention.

It was noted in this chapter that the end of the Cold War resulted in the increased propensity of the UNSC to impose sanctions. The rationale for the imposition of these sanctions varied. The traditional reasons behind the imposition of sanctions such as coercion, deterrence, and compulsion, among others, were highlighted. The end of the war ushered in a new era whereby sanctions were used in threefold: sanctions as a mechanism of enforcing international humanitarian law and as an ethical tool of conflict prevention, as well as being a measure of combating terrorism. It was noted that after the Cold War period, members of the international community realised the need to keep sanctions in check as well as come up with mechanisms for enforcement against those regimes and nation States which did not observe and practise the ethically acceptable principles of governance, which include protection of human rights. It was argued that the Security Council's main objective in maintaining and restoring international peace and security is in line with Article 42 of the UN Charter.

The imposition of sanctions is aimed at achieving political ends while lessening and to some extent avoiding the unbearable repercussions of armed conflict. Thus, the aim of imposing sanctions after the Cold War period has been generally to modify the behaviour of the individual state rather than to punish the same. It was highlighted, however, that such sanctions come into conflict with other fundamental principles of international law such as the principles of non-intervention and state sovereignty. The imposition of economic sanctions becomes immoral in the sense that they are targeted at the people as a whole rather than at the given regime. It was noted in the first section of the chapter that economic sanctions are imposed as a mechanism of enforcing international humanitarian law. The end of the Cold War has witnessed the emergence of a modern version of humanitarian intervention in cases of gross human rights violations, particularly through economic sanctions. The General Assembly has often invited States to impose economic sanctions in situations where human rights have been violated.

Such developments have been a result of the growing assertion of power by the Security Council in the post-Cold War era and the expanding willingness of the international community to confront violations of human rights with economic sanctions or military force whenever it is deemed necessary. In the second section, the imposition of economic sanctions was discussed as an ethical tool of conflict prevention. It was noted that about 14 sanction regimes were applied to address intra-state conflicts in the post-Cold War era. Case studies were drawn from the UN Resolutions on Somalia and Haiti. The third and last section analysed the rationale for the imposition of sanctions after the Cold War period with reference to economic sanctions as a measure of combating terrorism. Considering that terrorism is one of the emerging global threats to peace and security, it was noted that the Security Council has made efforts at coming up with Resolutions on combating terrorism. The next section will discuss the application of economic sanctions with specific reference to Cuba, Iraq and Zimbabwe.

### **8.6 A Case Study of Economic Sanctions with Reference to Cuba, Iraq and Zimbabwe**

The chapter focused on the deployment of economic sanctions on Iraq, Cuba and Zimbabwe. In the process it traced the origins or factors that contributed or led to the imposition or adoption of economic sanctions in these three countries respectively. The Iraqi scenario saw the economic sanctions being imposed as a result of Iraq's invasion of Kuwait. The United Nations Security Council really wanted to curtail the Iraqi army's readiness for war as well as to compel Saddam Hussein to withdraw forces from Kuwait. This saw the UNSC coming up with resolutions to this end. The Cuban case witnessed the US government imposing an embargo on Cuba in 1959 as a strategy to oust the Castro-led Communist revolutionary government. The economic sanctions evolved into a comprehensive blockade in the early 1960s. The Zimbabwean case is punctuated by the imposition of sanctions that came as a result of Zimbabwe's policy to grab its land back from its erstwhile colonial masters. This attracted hostility and hatred from the losers of the land, who in this case were mainly the colonial farmers of British and American origin. This led to the imposition of sanctions against Zimbabwe. The chapter highlighted the rationale behind the imposition of these economic sanctions on these three countries as well as the nature of the sanctions in these countries. Lastly, the far-reaching effects of these sanctions on Cuba, Iraq and Zimbabwe were also captured. It was noted that these sanctions had economic and social impacts. The countries suffered from economic strangulation where trade and general businesses were

affected. The general economic performances of these nations were weakened. In addition, the social rights of the populace were also hampered by, for instance, the lack of general access to many basic rights including medical care, food, security, potable water, housing and education, all of which were immensely hindered by these economic sanctions.

Almost the entire spectrum of political opinion in Iraq during the reign Saddam Hussein was against the Western inspired UN sanctions. While the sanctions regime might have been effective in reducing Iraq's military potential and in securing its compliance with international law for the time being, by imposing a heavy cost on Iraqi civilians, it added further fuel to the sense of historical injustice felt by ordinary Iraqis. Given that it was widely perceived inside Iraq as a vengeful measure, the sanctions regime gave rise to further cynicism by Iraqis towards international institutions. While on the one hand the sanctions and other punitive measures against Iraq may have enforced an uneasy peace in the medium-term, their long-term effects were counter-productive and unpredictable. The sanctions may have succeeded in forcing the Iraqi government to submit a substantial proportion of the stock of long-range rockets and nuclear and chemical materials and facilities for their manufacture. However, the continuation of sanctions may have helped to unleash negative forces characterised by unstable political and security environment. In the long run, the sanctions impact has prolonged the suffering of the Iraqi population as well degrading the country's economic capacity. As is evident, economic sanctions are double edged swords and are more likely to hinder rather than help the cause of meeting the ongoing challenge of building long-term peace and stability in target states.

With regard to Zimbabwe, it was the SADC's engagement efforts that saw the birth of the inclusive government after the 2008 plebiscite failed to produce a winner, and political violence erupted in the countdown to the presidential run-off (Raftopolous & Mlambo 2009:229). Prominent British scholar, Stephen Chan (2011 online), observes that the targeted sanctions against Zimbabwe have not worked and has enjoined the main advocate for the targeted sanctions, Britain, to consider engagement as an option now. His prediction that the US and the whole of EU, currently faced with a serious recession, will need Zimbabwe for trade in 2011 resonates with Rennie Atterbury III's (1997:338) observation that sanctions also do harm to business in the sender States.

In conclusion, it is conceded that comprehensive economic sanctions need to be revised in order to spare the innocent people who more often than not get caught up in the crossfire. However, as

has been argued in this paper, targeted or smart sanctions are not the solution because of the harm they bring to bear on the same innocent victims. The selected case study of Zimbabwe presented poignant accounts of how targeted sanctions have caused untold suffering to the ordinary people who ironically are the intended beneficiaries. The paper also illustrated how the targeted sanctions are evaded by the targeted individuals who remain entrenched in the corridors of power. Therefore, the sooner diplomatic engagement becomes the alternative policy instrument of the day, the more innocent lives are likely to be saved, and the better the prospects for international peace and stability. The observation by Hufbauer et al. (2007:139) that practically, it is impossible to choreograph measures “with the accuracy of a cruise missile”, therefore holds true with regard to targeted sanctions. In the case of Cuba, Zimbabwe and Iraq, the sanctions failed their intended goals of removing the regime or changing the behaviour of the leadership in these countries, but led to innocent civilians’ suffering through high cost of living and high death tolls, especially in Iraq.

### **8.7 An Ethical Critique of Economic Sanctions**

This chapter was mainly about an ethical critique of economic sanctions in which the main argument in this critique is that sanctions violate the principle of discrimination which is central to just war theory. From the Kantian ethical perspective people should be treated as ends in themselves. Sanctions reduce individuals to nothing more than means to an end by using the suffering of innocents as a means of coercion against the target state, thereby violating the Kantian principle that human beings are ‘ends in themselves’. Kant postulated that our human actions are ethical when they can be universalised. What this implies is that what we do to other people can be ethically condoned only when we accept the same action to be done to our own humanity. Economic sanctions do fail to meet this Kantian ethical dictum, especially when one takes into account the fact that the sender(s) of economic sanctions do so in pursuit of their national interests to the detriment of the target state.

Another ethical theory which is at odds with economic sanctions is John Stuart Mill’s theory of utilitarianism. This ethical theory says that an act can be ethical only when it promotes the greatest good for the greatest number of people. Economic sanctions are incommensurate with the ethical theory of utilitarianism because the imposition on a target state has an indiscriminate impact that has always resulted in the loss of life to the majority of citizens of the target state. From a utilitarian

perspective, an action is deemed to have promoted the greatest good for the greatest number of people by analysing the resultant consequences after the action has been made. Since the consequences of economic sanctions are devastating indiscriminately to the majority of the citizens of the target state, they outweigh the good, because there is no empirical evidence that proves that economic sanctions lead to the promotion of the greatest good within the target state.

From an African ethical tradition, it was argued that economic sanctions dehumanise the majority of the innocent citizens of the target state. There are two perspectives from African ethics which render economic sanctions unethical. First, since African ethics puts emphasis on the promotion of life of the community, economic sanctions are unethical because they are destructive to the general communal wellbeing of the communities of the target states. The second presumption of African ethics which makes economic sanctions unethical is the fact that human beings are beings by virtue of relationality, whereby to be a real person is to promote life of the community. In other words, a humane existence should be that which promotes the perpetuation of life to such an extent no life is endangered for whatever reason. For this reason, the idea that economic sanctions decimate lives and livelihoods indiscriminately makes them ethically indefensible. Economic sanctions are not aimed at promoting life. Rather, the *telos* of their sender(s) is to make life unbearable to the majority of the citizens of the target state.

The last section of this chapter argued that economic sanctions are related to the problem of evil in human existence. My first argument on the connection between economic sanctions and evil came in the form of the rationale behind sceptical realism which asserts that the relations among States are not guided by moral or ethical considerations; they are based instead on the pursuit of national interests of the sender States. After investigating the works of most of the scholars who have been critical towards economic sanctions, their criticisms on sanctions converged on the idea that such a promotion of a foreign policy remains inhumane and evil because of the resultant devastating effects of economic sanctions on the majority of the innocent citizens of the target state. It is for this reason that it was argued that economic sanctions belong to the narrative of the reality of evil in human existence, they form part of that narrative. The following section will thus serve as a general conclusion to the study and will also provide some recommendations in a way that is constructive.

## **SECTION B: STUDY RECOMMENDATIONS**

### **8.8 Recommendations**

While the previous section provided a general conclusion to the whole study on the basis of the conclusions that were made in various chapters, this section will end this dissertation with recommendations. This study adopted a critical stance against economic sanctions as a tool for foreign policy aimed at enforcing behaviour modification on the target state. It is only logical that one does not end simply with a critical stance against economic sanctions, but rather, one should provide an alternative point of view on the place of economic sanctions in the realm of international relations. It is from the recommendations that will be briefly discussed in this chapter that future scholars and students who will study sanctions will also benefit academically. As we have seen in the various chapters of this study apart from Chapter 7, scholars who provided some rational justification for the imposition of sanctions as a foreign policy tool for behaviour modification on the target state were mainly motivated by the assumption that economic sanctions were preferable to war, an argument which was found ethically implausible. The later argument became the position of this thesis. Since there is no empirical evidence on the efficacy of economic sanctions as a tool for foreign policy aimed at influencing behaviour modification on the target state, there is a need to come up with recommendations that can be used as pointers for further scholarly reflection on future international approaches to influencing behaviour modification of the target state other than the imposition of economic sanctions.

In the light of the above observation, this section is divided into three sub-sections that comprise the recommendations deemed necessary for foreign policy towards the target state. In the first section, my recommendation is that economic sanctions imposed on the target country should be evaluated by a multilateral body such as the UN and some of its strategic organs such as the UNSC, WHO, the United Nations Special Coordinator for the Middle East Peace Process (formerly known as UNSCO), and the United Nations High Commission for Refugees (UNCHR), to mention just a few. The second section will comprise the recommendation that before the imposition of economic sanctions on the target state it is imperative that a serious study should be undertaken by a body of experts from a multidisciplinary perspective as to whether the imposition of economic sanctions on the chosen target state is justifiable as the only alternative available to effect policy change or behaviour modification on the target state. Finally, the third recommendation is that instead of

imposing economic sanctions as a foreign policy tool on the target state, the UN and its member States should thrive in adopting a strategy based on constructive engagement with the target state with the aim of bringing about behaviour modification on the target state.

### ***8.8.1 Subjecting Economic Sanctions to Continuous Evaluation by the UN and its Organs***

An argument which is central to this study and which was previously raised against the ethical justifiability of economic sanctions was that economic sanctions are usually imposed on the target state on the basis of the national interest of the sender countries and the interests of lobbying groups or organisations. It is partly for this reason that economic sanctions are imposed against the target state on the basis of competing motivations that are on closer scrutiny based on the pursuit of national interests and self-interests, which remain ethically unjustifiable. Once economic sanctions are imposed on the target state, there is no effort since there are no mechanisms in place that subject them to exerting their effects on the target country. As we have seen previously in the examples given in this study, the effects of economic sanctions on the target countries were reflected on only later, after the lives of the majority of the citizens of the target state had already been destroyed indiscriminately. It is for this reason that economic sanctions should be subjected to continuous evaluation by the UN and its organs. Here, the presumption is that economic sanctions against the target state should be authorised by the UN General Assembly instead of being imposed by countries on the basis of geostrategic political, economic and military alliances' national interests. For economic sanctions to be legal and legitimate, they need to be approved by the UN with the specific aim of enforcing specific policy objectives that will be desirable to the majority of the citizens of the target state. This recommendation entails making some changes to the current UN Charter which has given too much power to the UNSC on the imposition of economic sanctions to the exclusion of the UN General Assembly so as to include the participation of all the UN organs in the imposition of economic sanctions.

### ***8.8.2 Sanctions should be Reviewed by a Body of Experts from a Multidisciplinary Perspective***

In the preceding chapters, it is evident that the rational justification of economic sanctions as a policy for foreign policy has come from economists and political scholars of foreign relations. These scholars have a strong influence on the general presumptions about economic sanctions as a tool for the enforcement of foreign policy. Economic thinking as enshrined in game theoretical

approach to human economic behaviour and political theories of international relations has adopted a mechanistic approach in the analysis of economic sanctions. These disciplines do not take into account the indiscriminate punishment that is inflicted on the citizens of the target state. They also fail to deal with two problems that dovetail economic sanctions, namely that economic sanctions have never succeeded as a tool for the modification of foreign policy on the target state and that economic sanctions do not have ethical justifiability. Our current conceptualisation of economic sanctions needs to be enriched by adopting a multidisciplinary perspective. My recommendation in this regard is that when subjected economic sanctions are seen from an ethical paradigm, they remain ethically indefensible. From a health perspective they are a foreign policy tool that creates a deterioration of the healthcare system of the target state. When seen from a sociological perspective, economic sanctions give rise to social instability because of the migration of the population of the target state in search for greener pastures in neighbouring countries. Since economic sanctions have a devastating impact on the livelihoods of those who are economically vulnerable, the would-be impact of economic sanctions should be taken into consideration before they are imposed on the target state.

### ***8.8.3 Constructive Engagement Over Comprehensive Economic Sanctions***

Since it was the main argument of this thesis that there is no ethical justifiability for the imposition of economic sanctions over the target state, I should like to recommend that economic sanctions should be replaced by a political culture of constructive engagement between the sender State(s) or organisations and the target state on how to resolve the political situation in the target state in a way that results in harmonious international relations. Constructive engagement presupposes all parties to the conflict should aim at coming up with a solution which is agreeable to both sides. Since economic sanctions are similar to warfare in the sense that they inflict indiscriminate suffering on the poor and the innocent, they cannot be defended with impunity as a humane policy in influencing foreign policy in the target state. The very idea that economic sanctions are an inhumane or immoral foreign policy implies that their implementation against the target state remains inhumane and amoral. But since economic sanctions are sometimes imposed by the senders under a wide range of motives, their justifiability remains problematic.

In our currently democratised world where the value of political pluralism is highly valued, the idea of co-existence implies that a global or an international effort should be put into nursing the

value of pluralism through constructive engagement, which is possible only through a dialogic approach in solving issues of domestic and international conflicts. Through constructive engagement, policy deliberations should not be aimed at converting each other. They should rather be aimed at learning from each other. In this regard, constructive engagement aims at persuading the other party and offering reasons that will enable them to see the beauty of one's point of view. As we have seen in the preceding chapters, economic sanctions are usually used as a coercive tool for the change of foreign policy in the target state. Usually the point of view of the target state is not taken into account prior to the imposition of economic sanctions. The point of view of or reasoning with the target state with regard to its foreign policy is entirely ignored. Through the art of constructive engagement, one party to the conflict employs persuasion, where the other party does not feel cornered into assenting to an idea or policy which they feel to be a blatant violation of their socio-political and cultural convictions. Constructive engagement aims at persuading the other party to the conflict by offering reasons that will enable them to see the beauty of the point of view of the foreign policy alternative which is being offered. Constructive engagement presupposes the existence of mature minds whereby socio-political and economic policy commitments are seen as a demonstration of the versatility of the plurality of human existence. Prior dogmatic commitment to long-held socio-economic and political commitments is usually a recipe for the erosion of the grounds for constructive engagement. In constructive engagement, tolerance becomes a civic virtue that is highly sought after.

## **8.9 Suggestions for Future Research**

In order to maintain the focus of the study the present research could address all pertinent issue areas linked to economic sanctions. One of the critical areas that needs further interrogation is the relationship between economic sanctions and democratisation. As indicated in this study, extant literature has established that the question of democratic sanction efficacy has been left largely unanswered or unexplored. Future research on sanctions and democratization should be undertaken to demonstrate the democratic effect of those sanctions that explicitly aim to increase the level of democracy in the targeted country.

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